

Mx North 346

The Law Reports 1995

15 December 1995

Cumulative Index

[1995] L.R.	Parts 1 to 12
[1995] W.L.R.	Parts 1 to 44
[1995] I.C.R.	Parts 1 to 10
[1994] 4 All E.R.	Parts 8 to 12
[1995] 1 All E.R.	Parts 1 to 12
[1995] 2 All E.R.	Parts 1 to 12
[1995] 3 All E.R.	Parts 1 to 12
[1995] 4 All E.R.	Parts 1 to 8
[1995] 1 Cr.App.R.	Parts 1 to 3
[1995] 2 Cr.App.R.	Parts 1 and 2
[1994] 2 Lloyd's Rep.	Parts 5 and 6
[1995] 1 Lloyd's Rep.	Parts 1 to 6
[1995] 2 Lloyd's Rep.	Parts 1 to 4
92 L.G.R.	Parts 10 and 11
93 L.G.R.	Parts 1 to 9
[1994] R.T.R.	Pages 341 to 423
[1995] R.T.R.	Pages 1 to 345
63 T.C.	Part 6
64 T.C.	Parts 1 to 6
65 T.C.	Parts 1 to 5
T.C. Leaflets	Nos. 3411 to 3447

N.B.—THIS INDEX SHOULD NOT BE SENT FOR BINDING



Editors: CAROL ELLIS C.B.E., Q.C.
ROBERT WILLIAMS, *Barrister*

THE INCORPORATED COUNCIL OF LAW REPORTING
FOR ENGLAND AND WALES
3 Stone Buildings, Lincoln's Inn, London WC2A 3XN

18 DEC 1995

HOW TO USE THIS INDEX

This Index, used with the Red Indexes for 1951–60, 1961–70, 1971–80, 1981–90 and 1991–94, will enable you to find any reported case determined since 1951 according to its title or subject matter. The appropriate headings and sub-headings of subject matter under which to look will be found in the Red Indexes. To find a recent case you have then only to look under the same heading and sub-headings in this Index and if necessary in subsequent parts of W.L.R.

Further, this Index contains also, *after* the index of Subject Matter, similar cumulative indexes of Cases, Statutes, Statutory Instruments and Overseas and European Community Enactments Judicially Considered which will likewise be brought up to date weekly in W.L.R.

Thus if in any report in [1995] W.L.R. a judge has said anything which might be argued to affect the weight or effect of any previous decision, or the meaning of any enactment, a reference will be found in the appropriate table to the previous decision or enactment. **The Table of Cases Judicially Considered is not limited to decisions mentioned in the headnote of the reports.**

This Index includes cases reported in Industrial Cases Reports, All England Law Reports, Criminal Appeal Reports, Lloyd's Law Reports, Local Government Reports, Road Traffic Reports, Tax Cases and Tax Case Leaflets.

The Red Index for 1991–1995 will be published in February 1996 and will supersede this Index, which should then be destroyed.

INDEX

CASES REPORTED

[1995] L.R. Parts 1 to 12
 [1995] W.L.R. Parts 1 to 44
 [1995] I.C.R. Parts 1 to 10
 [1994] 4 All E.R. Parts 8 to 12
 [1995] 1 All E.R. Parts 1 to 12
 [1995] 2 All E.R. Parts 1 to 12
 [1995] 3 All E.R. Parts 1 to 12
 [1995] 4 All E.R. Parts 1 to 8
 [1995] 1 Cr.App.R. Parts 1 to 3
 [1995] 2 Cr.App.R. Parts 1 and 2
 [1994] 2 Lloyd's Rep. Parts 5 and 6
 [1995] 1 Lloyd's Rep. Parts 1 to 6
 [1995] 2 Lloyd's Rep. Parts 1 to 4
 92 L.G.R. Parts 10 and 11
 93 L.G.R. Parts 1 to 9
 [1994] R.T.R. Pages 341 to 423
 [1995] R.T.R. Pages 1 to 345
 63 T.C. Part 6
 64 T.C. Parts 1 to 6
 65 T.C. Parts 1 to 5
 T.C. Leaflets Nos. 3411 to 3447

- A., *Ex parte*. See Reg. v. Canons Park Mental Health Review Tribunal, *Ex parte* A.
 A. (A Minor) (Supervision Order: Extension), *In re* [1995] 1 W.L.R. 482; [1995] 3 All E.R. 401; 93 L.G.R. 119, C.A.
 Absalom v. Gillett [1995] 1 W.L.R. 128; [1995] 2 All E.R. 661; 93 L.G.R. 254, D.C.
 Abrahams v. Performing Right Society Ltd. [1995] I.C.R. 1028, C.A.
 Adams v. The Queen [1995] 1 W.L.R. 52; [1995] 2 Cr.App.R. 295, P.C.
 Aectra Refining and Manufacturing Inc. v. Exmar N.V. [1995] 1 Lloyd's Rep. 191, C.A.; (pet. dis.) [1995] 1 W.L.R. 526, H.L.(E.)
 Afala, The. See Interatlantic (Namibia) (Pty.) Ltd. v. Okeanski Ribolov Ltd.
 Aggeliki Charis Compania Maritima S.A. v. Pagnan S.p.A. [1995] 1 Lloyd's Rep. 87, C.A.
 Afzal v. Ford Motor Co. Ltd. [1994] 4 All E.R. 720, C.A.
 Agra Trading Ltd. v. McAuslin [1995] 1 Lloyd's Rep. 182
 Aiken v. Stewart Wrightson Members' Agency Ltd. [1995] 1 W.L.R. 1281; [1995] 3 All E.R. 449
 Aitken v. South Hams District Council [1995] 1 A.C. 262; [1994] 3 W.L.R. 333; 93 L.G.R. 1, H.L.(E.)
 Al Tabith, The and Alanfushi [1995] 2 Lloyd's Rep. 336, C.A.
 Alanfushi, The. See Al Tabith, The and Alanfushi
 Alexander v. Inland Revenue Comrs. (1991) 64 T.C. 59, C.A.
 Allan v. Inland Revenue Comrs. (1994) T.C. Leaflet No. 3421
 Allan v. Stirling District Council [1995] I.C.R. 1082
 Allied Maples Group Ltd. v. Simmons & Simmons (a firm) [1995] 1 W.L.R. 1602, C.A.
 Alongi v. Inland Revenue Comrs. (1991) 64 T.C. 304
 Anderson (Christian) v. Attorney-General of New Zealand [1995] 2 Lloyd's Rep. 264
 Andrews v. King (1991) 64 T.C. 332
 Angelic Grace, The. See Aggeliki Charis Compania Maritima S.A. v. Pagnan S.p.A.
 Angelic Spirit, The [1994] 2 Lloyd's Rep. 595
 Anna H, The [1995] 1 Lloyd's Rep. 1, C.A.
 Ansell v. Barrow Ltd. See Bates v. Barrow Ltd.
 Antwerp United Diamond B.V.B.A. v. Air Europe [1995] 3 W.L.R. 396; [1995] 3 All E.R. 424; [1995] 2 Lloyd's Rep. 224, C.A.
 Apioil Ltd. v. Kuwait Petroleum Italia S.p.A. [1995] 1 Lloyd's Rep. 124

- Appleby (R.W.) Ltd. v. Vehicle Inspectorate [1994] R.T.R. 380, D.C.
- Arrows Ltd. (No. 4), *In re* [1995] 2 A.C. 75; [1994] 3 W.L.R. 656; [1995] 1 Cr.App.R. 95, H.L.(E.)
- Associated British Ports v. Palmer. *See* Associated Newspapers Ltd. v. Wilson
- Associated Dairies Ltd. v. Baines [1995] I.C.R. 296
- Associated Newspapers Ltd. v. Wilson [1995] 2 A.C. 454; [1995] 2 W.L.R. 354; [1995] I.C.R. 406; [1995] 2 All E.R. 100, H.L.(E.)
- Astilleros Españoles S.A. v. Bank of America National Trust and Savings Association [1995] 2 Lloyd's Rep. 352, C.A.
- Astrawall Ltd. v. Waters. *See* Stone & Temple Ltd. v. Waters
- Atlas Shipping Agency (U.K.) Ltd. v. Suisse Atlantique Société d'Armement Maritime S.A. [1995] 2 Lloyd's Rep. 188
- Attorney-General v. Independent Television News Ltd. [1995] 2 All E.R. 370; [1995] 1 Cr.App.R. 204
- Attorney-General of Trinidad and Tobago v. Phillip [1995] 1 A.C. 396; [1994] 3 W.L.R. 1134; [1995] 1 All E.R. 93, P.C.
- Attorney-General's Reference (No. 1 of 1994) [1995] 1 W.L.R. 599; [1995] 2 All E.R. 1007; 93 L.G.R. 349, C.A.
- Attorney-General's Reference (No. 1 of 1994). *See* Reg. v. Day
- Attorney-General's Reference (No. 2 of 1994) [1994] 1 W.L.R. 1579; [1995] 2 All E.R. 1000, C.A.
- Attorney-General's Reference (No. 8 of 1994). *See* Reg. v. Asquith
- Attorney-General's Reference (No. 22 of 1994). *See* Reg. v. Nevison
- Attorney-General's Reference (No. 24 of 1994). *See* Reg. v. Rayner
- Attorney-General's Reference (No. 32 of 1994). *See* Reg. v. Wing
- Attorney-General's Reference (No. 37 of 1994). *See* Reg. v. Sergeant
- Auckland v. P.A.V.H. (International) Ltd. (1992) 65 T.C. 99
- Awua, *Ex parte*. *See* Reg. v. Brent London Borough Council, *Ex parte* Awua
- B. *Ex parte*. *See* Reg. v. Cambridge Health Authority, *Ex parte* B.
- B., *Ex parte*. *See* Reg. v. Derby Magistrates' Court, *Ex parte* B.
- B. (A Minor) (Secure Accommodation Order), *In re* [1995] 1 W.L.R. 232, C.A.
- B. (Adoption: Jurisdiction to Set Aside), *In re* [1995] Fam. 239; [1995] 3 W.L.R. 40; [1995] 3 All E.R. 333, C.A.
- B. v. B. (Children: Periodical Payments) [1995] 1 W.L.R. 440
- B. v. Croydon Health Authority [1995] Fam. 133; [1995] 2 W.L.R. 294; (pet. dis.) [1995] 1 W.L.R. 1640, H.L.(E.)
- BNP Mortgages Ltd. v. Goadsby & Harding Ltd. *See* Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.
- BNP Mortgages Ltd. v. Key Surveyors Nationwide Ltd. *See* Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.
- B.P. Oil Development Ltd. v. Inland Revenue Comrs. (1991) 64 T.C. 498, Vinelott J., C.A. and H.L.(E.)
- Bailey v. Secretary of State for the Environment (1994) 93 L.G.R. 248, C.A.
- Baker, *Ex parte*. *See* Reg. v. Devon County Council, *Ex parte* Baker
- Baldock v. Addison [1995] 1 W.L.R. 158; [1995] 3 All E.R. 437
- Balkanbank v. Taher [1995] 1 W.L.R. 1056; [1995] 2 All E.R. 904, C.A.
- Balkanbank v. Taher (No. 2) [1995] 1 W.L.R. 1067, C.A.
- Baltic Shipping Co. v. Translink Shipping Ltd. [1995] 1 Lloyd's Rep. 673
- Bamber, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)
- Banco Exterior Internacional v. Mann [1995] 1 All E.R. 936, C.A.
- Bangladesh Export Import Co. Ltd. v. Sueden Kerry S.A. [1995] 2 Lloyd's Rep. 1, C.A.
- Bank of Credit and Commerce Hong Kong Ltd. v. Sonali Bank [1995] 1 Lloyd's Rep. 227
- Bank of Credit and Commerce International S.A. (No. 8), *In re* [1995] Ch. 46
- Bank Tejarat v. Hong Kong and Shanghai Banking Corp'n. (C.I.) Ltd. [1995] 1 Lloyd's Rep. 239
- Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd. [1995] Q.B. 375; [1995] 2 W.L.R. 607; [1995] 2 All E.R. 769, C.A.
- Barclays Bank Plc. v. Eustice [1995] 1 W.L.R. 1238; [1995] 4 All E.R. 511, C.A.
- Barclays Bank Plc. v. Fairclough Building Ltd. [1995] Q.B. 214; [1994] 3 W.L.R. 1057; [1995] 1 All E.R. 289, C.A.
- Barn Crown Ltd., *In re* [1995] 1 W.L.R. 147; [1994] 4 All E.R. 42
- Barrett v. Ministry of Defence [1995] 1 W.L.R. 1217; [1995] 3 All E.R. 87, C.A.
- Bass Holdings Ltd. v. Money (1993) 65 T.C. 511
- Bates v. Barrow Ltd. [1995] 1 Lloyd's Rep. 680
- Beamish v. Owen (trading as Max Owen Associates). *See* Owen (trading as Max Owen Associates) v. Pugh
- Beecham Group Plc. v. Inland Revenue Comrs. (1992) 65 T.C. 219
- Bennett, *Ex parte*. *See* Reg. v. Comr. of Police of the Metropolis, *Ex parte* Bennett

- Bennett v. Comr. of Police of the Metropolis [1995] 1 W.L.R. 488; [1995] 2 All E.R. 1
- Bennett (No. 2), *Ex parte*. See Reg. v. Horseferry Road Magistrates' Court, *Ex parte* Bennett (No. 2)
- Beoco Ltd. v. Alfa Laval Co. Ltd. [1995] Q.B. 137, C.A.
- Berkovits v. Grinberg (Attorney-General Intervening) [1995] Fam. 142; [1995] 2 W.L.R. 553; [1995] 2 All E.R. 681
- Bethel v. Douglas [1995] 1 W.L.R. 794; [1995] 3 All E.R. 801, P.C.
- Biggs v. Somerset County Council [1995] I.C.R. 811, E.A.T.
- Billingham v. Myers (1994) T.C. Leaflet No. 3417
- Billows v. Robinson (1991) 64 T.C. 17, Vinelott J. and C.A.
- Birmingham Optical Group Plc. v. Johnson [1995] I.C.R. 459, E.A.T.
- Bishopsgate Investment Management Ltd. v. Crédit Suisse. See M.G.N. Pension Trustees Ltd. v. Bank of America National Trust and Savings Association
- Bishopsgate Investment Management Ltd. v. Homan [1995] Ch. 211; [1994] 3 W.L.R. 1270; [1995] 1 All E.R. 347, C.A.; (pet.dis.) [1995] 1 W.L.R. 31, H.L.(E.)
- Bodden, *Ex parte*. See Reg. v. Daventry District Council Housing Benefit Review Board, *Ex parte* Bodden
- Bolton Metropolitan District Council v. Manchester Ship Canal Co. See Bolton Metropolitan District Council v. Secretary of State for the Environment (Practice Note)
- Bolton Metropolitan District Council v. Secretary of State for the Environment [1995] 1 W.L.R. 1176, H.L.(E.)
- Bolton Metropolitan District Council v. Trafford Park Development Corpn. See Bolton Metropolitan District Council v. Secretary of State for the Environment (Practice Note)
- Bonifaci v. Italian Republic (Case C-9/90). See Francovich v. Italian Republic (Case C-6/90)
- Boorman v. Allmakes Ltd. [1995] I.C.R. 842, C.A.
- Botross v. Hammersmith and Fulham London Borough Council (1994) 93 L.G.R. 268, D.C.
- Bowden, *Ex parte*. See Reg. v. Investors Compensation Board, *Ex parte* Bowden
- Bowring (C.T.) & Co. (Insurance) Ltd. v. Corsi Partners Ltd. [1994] 2 Lloyd's Rep. 567, C.A.
- Boyter v. Thomson [1995] 2 A.C. 628; [1995] 3 W.L.R. 36; [1995] 3 All E.R. 135, H.L.(Sc.)
- Bradley-Hole (A Bankrupt), *In re* [1995] 1 W.L.R. 1097
- Bradshaw v. Attorney-General of Barbados [1995] 1 W.L.R. 936, P.C.
- Bradstock Trustee Services Ltd. v. Nabarro Nathanson (a firm) [1995] 1 W.L.R. 1405
- Brassington v. Guthrie (1991) 64 T.C. 435
- Brinks Ltd. v. Abu-Saleh [1995] 1 W.L.R. 1478; [1995] 4 All E.R. 65
- Brinks Ltd. v. Abu-Saleh (No. 2) [1995] 1 W.L.R. 1487; [1995] 4 All E.R. 74
- British Aerospace Plc. v. Green [1995] I.C.R. 1006, C.A.
- British Telecommunications Plc. v. Sun Life Assurance Society Plc. [1995] 3 W.L.R. 622; [1995] 4 All E.R. 44, C.A.
- Brookes v. Harris [1995] 1 W.L.R. 918
- Brooks v. Brooks [1995] Fam. 70; [1994] 3 W.L.R. 1292; [1994] 4 All E.R. 1065, C.A.; [1995] 3 W.L.R. 141; [1995] 3 All E.R. 257, H.L.(E.)
- Brown v. K.M.R. Services Ltd. (formerly H.G. Poland Agencies Ltd.). See Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note)
- Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd. [1995] 3 W.L.R. 558
- Bull, *Ex parte*. See Reg. v. Radio Authority, *Ex parte* Bull
- Burford v. Durkin (1990) 63 T.C. 645, Mervyn Davies J. and C.A.
- Burgess, *Ex parte*. See Reg. v. Cheshire Justices, *Ex parte* Sinnott
- Burns, *Ex parte*. See Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Burris v. Azadani [1995] 1 W.L.R. 1372, C.A.
- Burut v. Public Prosecutor [1995] 2 A.C. 579; [1995] 3 W.L.R. 16; [1995] 4 All E.R. 300, P.C.
- C., *Ex parte*. See Reg. v. Director of Public Prosecutions, *Ex parte* C.
- C., *Ex parte*. See Reg. v. Essex County Council, *Ex parte* C.
- C. (A Minor) v. Director of Public Prosecutions [1994] 3 W.L.R. 888; [1994] 3 All E.R. 190; [1994] R.T.R. 341; [1995] 1 Cr.App.R. 118, D.C.; [1995] 2 W.L.R. 383; [1995] R.T.R. 261; [1995] 2 All E.R. 43; [1995] 2 Cr.App.R. 166, H.L.(E.)
- C. (Minors) (Contact: Jurisdiction), *In re* [1995] 3 W.L.R. 30, C.A.
- C.T.N. Cash and Carry Ltd. v. Gallaher Ltd. [1994] 4 All E.R. 714, C.A.
- Caerns Motor Services Ltd. v. Texaco Ltd. [1994] 1 W.L.R. 1249; [1995] 1 All E.R. 247
- Caglar, *Ex parte*. See Reg. v. Inland Revenue Comrs., *Ex parte* Caglar
- Caledonia (E.E.) v. Orbit Valve Co. Europe [1994] 1 W.L.R. 1515; [1995] 1 All E.R. 174, C.A.
- Capcount Trading v. Evans (1992) 65 T.C. 545
- Capricorn, The. See Cepheus Shipping Corpn. v. Guardian Royal Exchange Assurance Plc.
- Carr v. Sayer (1992) 65 T.C. 15
- Cassell v. Crutchfield (1995) T.C. Leaflet No. 3436

- Cementation Piling and Foundations Ltd. v. Aegon Insurance Co. Ltd. [1995] 1 Lloyd's Rep. 97, C.A.
- Cepheus Shipping Corp'n. v. Guardian Royal Exchange Assurances Plc. [1995] 1 Lloyd's Rep. 622
- Ceval Alimentos S.A. v. Agrimpex Trading Co. Ltd. [1995] 2 Lloyd's Rep. 380
- Chahal, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Chahal
- Chan Chi-hung v. The Queen [1995] 3 W.L.R. 742, P.C.
- Chan Wai-keung v. The Queen [1995] 1 W.L.R. 251; [1995] 2 All E.R. 438; [1995] 2 Cr.App.R. 194, P.C.
- Charles Robertson (Developments) Ltd. v. White [1995] I.C.R. 349, E.A.T.
- Charleston v. News Group Newspapers Ltd. [1995] 2 A.C. 65; [1995] 2 W.L.R. 450; [1995] 2 All E.R. 313, H.L.(E.)
- Charlton v. Charlton Thermosystems (Romsey) Ltd. [1995] I.C.R. 56, E.A.T.
- Cheltenham and Gloucester Building Society v. Building Societies Commission [1995] Ch. 185
- Chevron U.K. Ltd. v. Inland Revenue Comrs. (1995) T.C. Leaflet No. 3442
- Chiron Corp'n. v. Murex Diagnostics Ltd. (formerly B.C.W. Operations Ltd.). See Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note)
- Chiron Corp'n. v. Organon Teknika Ltd. See Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note)
- Chorley, *Ex parte*. See Reg. v. Cheshire Justices, *Ex parte* Sinnott
- Christmas v. Hampshire County Council. See E. (A Minor) v. Dorset County Council
- Christos, The. See Cornelius (E.G.) & Co. Ltd. v. Christos Maritime Co. Ltd.
- Chung, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Ku
- Clark, *Ex parte*. See Reg. v. Maidstone Crown Court, *Ex parte* Clark
- Clark v. Secretary of State for Employment [1995] I.C.R. 673, E.A.T.
- Cleveland County Council v. F. [1995] 1 W.L.R. 785; [1995] 2 All E.R. 236; 93 L.G.R. 449
- Coastal (Bermuda) Petroleum Ltd. v. VTT Vulcan Petroleum S.A. (No. 2) [1994] 2 Lloyd's Rep. 629
- Cobbs Property Services Ltd., *Ex parte*. See Debtor (No. 799 of 1994), *In re* A; *Ex parte* Cobbs Property Services Ltd.
- Coker v. Diocese of Southwark [1995] I.C.R. 563, Industrial Tribunal
- Colley v. Corkindale (trading as Corkers Lounge Bar) [1995] I.C.R. 965, E.A.T.
- Collins v. Addies (1992) 65 T.C. 190, Millett J. and C.A.
- Colonia Versicherung A.G. v. Amoco Oil Co. [1995] 1 Lloyd's Rep. 570
- Colonial Mutual General Insurance Co. Ltd. v. ANZ Banking Group (New Zealand) Ltd. [1995] 1 W.L.R. 1140; [1995] 3 W.L.R. 987, P.C.
- Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91) [1995] I.C.R. 179, E.C.J.
- Commission for the New Towns v. Cooper (Great Britain) Ltd. [1995] Ch. 259; [1995] 2 W.L.R. 677; [1995] 2 All E.R. 929, C.A.
- Company (No. 004081 of 1989), *In re* A [1995] 2 All E.R. 155
- Company (No. 007923 of 1994), *In re* A [1995] 1 W.L.R. 953, C.A.
- Company (No. 007924 of 1994), *In re* A. See *In re* A Company (No. 007923 of 1994)
- Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd. [1995] 3 W.L.R. 671, P.C.
- Connaught Restaurants Ltd. v. Indoor Leisure Ltd. [1994] 1 W.L.R. 501; [1994] 4 All E.R. 834, C.A.
- Connell, *Ex parte*. See Reg. v. Maidstone Crown Court, *Ex parte* Lever
- Connelly (C.) & Co. v. Wilbey (1992) 65 T.C. 208
- Connolly v. Dale [1995] 3 W.L.R. 786, D.C.
- Continental Fertilizer Co. Ltd. v. Pioneer Shipping C.V. [1995] 1 Lloyd's Rep. 223
- Coombs (T.C.) & Co., *Ex parte*. See Reg. v. Inland Revenue Comrs., *Ex parte* T.C. Coombs & Co.
- Coppée Lavalin N.V. (S.A.) v. Ken-Ren Chemicals and Fertilizers Ltd. [1995] 1 A.C. 38, H.L.(E.)
- Cornelius (E.G.) & Co. Ltd. v. Christos Maritime Co. Ltd. [1995] 1 Lloyd's Rep. 106
- Council of the Isles of Scilly v. Brintel Helicopters Ltd. [1995] I.C.R. 249, E.A.T.
- Cowley v. Manson Timber Ltd. [1995] I.C.R. 367, C.A.
- Crawley Borough Council v. Ure [1995] 3 W.L.R. 95; 93 L.G.R. 307, C.A.
- Crédit Suisse v. Allerdale Borough Council [1995] 1 Lloyd's Rep. 315
- Crédit Suisse v. Beegas Nominees Ltd. [1994] 4 All E.R. 803
- Crest Homes Plc., *Ex parte*. See Reg. v. South Northamptonshire District Council, *Ex parte* Crest Homes Plc.
- Crook, *Ex parte* [1995] 1 W.L.R. 139; [1995] 1 All E.R. 537; [1995] 2 Cr.App.R. 212, C.A.
- Crosdale v. The Queen [1995] 1 W.L.R. 864; [1995] 2 All E.R. 500, P.C.
- Cruden Construction Ltd. v. Commission for the New Towns [1995] 2 Lloyd's Rep. 387
- Cullen v. Inland Revenue Comrs. See Allan v. Inland Revenue Comrs.
- Cummins, *Ex parte*. See Reg. v. Cheshire Justices, *Ex parte* Sinnott
- Cunningham, *Ex parte*. See Reg. v. Cheshire Justices, *Ex parte* Cunningham

- D. (Minors) (Adoption Reports: Confidentiality), *In re* [1995] 1 W.L.R. 356, C.A.; (pet. all.) [1995] 1 W.L.R. 1087; [1995] 3 W.L.R. 483; [1995] 4 All E.R. 385, H.L.(E.)
- Dada, *Ex parte*. See Reg. v. Newham London Borough Council, *Ex parte* Dada
- Danica Brown, The. See Anderson (Christian) v. Attorney-General of New Zealand
- Darby v. Director of Public Prosecutions [1995] R.T.R. 294, D.C.
- Darlington Borough Council v. Wiltshier Northern Ltd. [1995] 1 W.L.R. 68; [1995] 3 All E.R. 895, C.A.
- Davis, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)
- Dawes v. Director of Public Prosecutions [1994] R.T.R. 209; [1995] 1 Cr.App.R. 65, D.C.
- De Rothschild v. Lawrenson (1995) T.C. Leaflet No. 3437, C.A.
- Debtor (No. 657-SD of 1991), *In re* A (1992) 65 T.C. 127
- Debtor (No. 784 of 1991), *In re* A (1992) 64 T.C. 612
- Debtor (No. 799 of 1994), *In re* A; *Ex parte* Cobbs Property Services Ltd. [1995] 1 W.L.R. 467; [1995] 3 All E.R. 723
- Debtor (No. 13A-IO-1995), *In re* A [1995] 1 W.L.R. 1127
- Debtor (No. 14A-IO-1995), *In re* A. See *In re* A Debtor (No. 13A-IO-1995)
- Deeny v. Gooda Walker Ltd. [1995] 1 W.L.R. 1206; [1995] 4 All E.R. 289; T.C. Leaflet No. 3430
- Delapage Ltd. v. Highbury General Comrs. (1992) 64 T.C. 560
- Dennis (A Bankrupt), *In re* [1995] 3 W.L.R. 367; [1995] 3 All E.R. 171, C.A.
- Department of Social Security v. Butler [1995] 1 W.L.R. 1528; [1995] 4 All E.R. 193, C.A.
- Derbyshire County Council, *Ex parte*. See Reg. v. Secretary of State for the Environment, *Ex parte* Derbyshire County Council
- Derwent Coachworks v. Kirby [1995] I.C.R. 48, E.A.T.
- Det Danske Hedeselskabet v. K.D.M. International Plc. [1994] 2 Lloyd's Rep. 534
- Deutsche Genossenschaftsbank v. Burnhope [1995] 1 W.L.R. 1580, H.L.(E.)
- Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd. [1995] 1 W.L.R. 1017; [1994] 4 All E.R. 181; [1995] 1 Lloyd's Rep. 153
- Devon County Council v. S. (Inherent Jurisdiction) [1994] Fam. 169; [1994] 3 W.L.R. 183; [1995] 1 All E.R. 243
- Devon Flat Roofing Ltd. v. Field. See Wright v. Field
- Devotion and Golden Polydinamos, The [1995] 1 Lloyd's Rep. 589, C.A.
- Dines v. Initial Healthcare Services Ltd. [1995] I.C.R. 11, C.A.
- Director General of Fair Trading v. Pioneer Concrete (U.K.) Ltd. See Supply of Ready Mixed Concrete (No. 2), *In re*
- Director of Buildings and Lands v. Shun Fung Ironworks Ltd. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- Director of Public Prosecutions v. Bailey [1995] 1 Cr.App.R. 257, P.C.
- Director of Public Prosecutions v. Bull [1995] Q.B. 88; [1994] 3 W.L.R. 1196; [1994] 4 All E.R. 411; [1995] 1 Cr.App.R. 413, D.C.
- Director of Public Prosecutions v. Butterworth [1995] 1 A.C. 381; [1994] 3 W.L.R. 538; [1994] 3 All E.R. 289; [1995] 1 Cr.App.R. 38, H.L.(E.)
- Director of Public Prosecutions v. Derbyshire [1994] R.T.R. 351, D.C.
- Director of Public Prosecutions v. Duffy. See Ogburn v. Director of Public Prosecutions
- Director of Public Prosecutions v. Garrett [1995] R.T.R. 302, D.C.
- Director of Public Prosecutions v. Harris (Nigel) [1995] 1 Cr.App.R. 170; [1995] R.T.R. 100, D.C.
- Director of Public Prosecutions v. Johnson [1995] 1 W.L.R. 728; [1995] 4 All E.R. 53; [1995] R.T.R. 9, D.C.
- Director of Public Prosecutions v. Knight (Note) (1988) [1994] R.T.R. 374, D.C.
- Director of Public Prosecutions v. Nesbitt. See Ogburn v. Director of Public Prosecutions
- Director of Public Prosecutions v. Radford [1995] R.T.R. 86
- Director of Public Prosecutions v. Scott [1995] R.T.R. 40, D.C.
- Director of Public Prosecutions v. Sharpe. See Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Director of Public Prosecutions v. Swift. See Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Director of Public Prosecutions v. Upchurch [1994] R.T.R. 366, D.C.
- Discount Tobacco & Confectionery Ltd. v. Armitage (Note) [1995] I.C.R. 431, E.A.T.
- Dominion International Group Plc., *In re* [1995] 1 W.L.R. 649
- Dong Wha Enterprise Co. Ltd. v. Crownson Shipping Ltd. [1995] 1 Lloyd's Rep. 113
- Drake v. Director of Public Prosecutions [1994] R.T.R. 411, D.C.
- Drexel Burnham Lambert U.K. Pension Plan, *In re* [1995] 1 W.L.R. 32
- Drinkwater Sabey Ltd. v. Burnett [1995] I.C.R. 328, E.A.T.
- Duffy v. Yeomans & Partners Ltd. [1995] I.C.R. 1, C.A.
- Dunkley v. The Queen [1995] 1 A.C. 419; [1994] 3 W.L.R. 1124; [1995] 1 All E.R. 279, P.C.
- Duxbury's Settlement Trusts, *In re* [1995] 1 W.L.R. 425; [1995] 3 All E.R. 145, C.A.
- Dynevor (Lord) v. Richardson [1995] Ch. 173; [1994] 3 W.L.R. 1091; [1995] 1 All E.R. 109

- E. (A Minor) v. Dorset County Council [1995] 2 A.C. 633; [1994] 3 W.L.R. 853; [1994] 4 All E.R. 640, C.A.; [1995] 2 A.C. 633; [1995] 3 W.L.R. 152; [1995] 3 All E.R. 353, H.L.(E.)
- E.L.S. Ltd., *In re* [1995] Ch. 11
- Earlspring Properties Ltd. v. Guest (1995) T.C. Leaflet No. 3432, C.A.
- Ebac Ltd. v. Wymer [1995] I.C.R. 466, E.A.T.
- Eberhardt & Co. Ltd. v. Mair [1995] 1 W.L.R. 1180; [1995] 3 All E.R. 963
- Edwards v. Director of Public Prosecutions. *See* Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Egon Oldendorff v. Libera Corpn. [1995] 2 Lloyd's Rep. 64
- El Ajou v. Dollar Land Holdings Plc. (No. 2) [1995] 2 All E.R. 213
- Elguzouli-Daf v. Comr. of Police of the Metropolis [1995] Q.B. 335; [1995] 2 W.L.R. 173, C.A.
- Eller v. Grovecrest Investments Ltd. [1995] Q.B. 272; [1995] 2 W.L.R. 278; [1994] 4 All E.R. 845, C.A.
- Elliott v. Safeway Stores Plc. [1995] 1 W.L.R. 1396
- Ensign Tankers (Leasing) Ltd. v. Stokes (1992) 64 T.C. 617, C.A. and H.L.(E.)
- Equal Opportunities Commission, *Ex parte*. *See* Reg. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission
- Eras EIL Actions, The. *See* Société Commerciale de Réassurance v. Eras International Ltd. (No. 2)
- Escalus Properties Ltd. v. Cooper-Smith. *See* Escalus Properties Ltd. v. Robinson
- Escalus Properties Ltd. v. Dennis. *See* Escalus Properties Ltd. v. Robinson
- Escalus Properties Ltd. v. Robinson [1995] 3 W.L.R. 524, C.A.
- Estates Gazette Ltd. v. Benjamin Restaurants Ltd. [1994] 1 W.L.R. 1528; [1995] 1 All E.R. 129, C.A.
- Eurocross Sales Ltd. v. Cornhill Insurance Plc. [1995] 1 W.L.R. 1517, C.A.
- F. (A Minor) (Abduction: Custody Rights Abroad), *In re* [1995] Fam. 224; [1995] 3 W.L.R. 339; [1995] 3 All E.R. 641, C.A.
- Far Eastern Shipping Co. v. A.K.P. Sovcomflot [1995] 1 Lloyd's Rep. 520
- Farmer v. Bankers Trust International Ltd. (1991) 64 T.C. 1, Harman J. and C.A.
- Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd. (1994) T.C. Leaflet No. 3422
- Ferranti International Plc., *In re*. *See* Powdrill v. Watson
- Fewings, *Ex parte*. *See* Reg. v. Somerset County Council, *Ex parte* Fewings
- Fielder v. Vedlynn Ltd. (1992) 65 T.C. 145
- Figaal Ltd. v. Fox (1991) 64 T.C. 441, Mummery J. and C.A.
- Filmlab Systems International Ltd. v. Pennington [1995] 1 W.L.R. 673; [1994] 4 All E.R. 673
- Fina Exploration Ltd., *Ex parte*. *See* Reg. v. Special Comrs. of Income Tax, *Ex parte* Fina Exploration Ltd.
- Fina Samco, The. *See* International Fina Services A.G. v. Katrina Shipping Ltd.
- Finanzamt Köln-Altstadt v. Schumacker (Case C-279/93) [1995] 3 W.L.R. 498, E.C.J.
- Fiona. *See* Mediterranean Freight Services Ltd. v. B.P. Oil International Ltd.
- Fire Brigades Union, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Fire Brigades Union
- First National Commercial Bank Plc. v. Humberts [1995] 2 All E.R. 673, C.A.
- Firstpost Homes Ltd. v. Johnson [1995] 1 W.L.R. 1567; [1995] 4 All E.R. 355, C.A.
- Fisscher v. Voorhuis Hengelo B.V. (Case C-128/93). *See* Vroege v. NCIV Instituut voor Volkshuisvesting B.C. (Case C-57/93)
- Fletamentos Maritimos S.A. v. Effjohn International B.V. [1995] 1 Lloyd's Rep. 311
- Ford Motor Co. Ltd., *Ex parte*. *See* Reg. v. Registered Designs Appeal Tribunal, *Ex parte* Ford Motor Co. Ltd.
- Foresight Driller II, The. *See* Zeeland Navigation Co. Ltd. v. Banque Worms
- Forestships International Ltd. v. Armonia Shipping and Finance Corpn. [1995] 1 Lloyd's Rep. 103
- Formica Ltd. v. Secretary of State acting by the Export Credits Guarantee Department [1995] 1 Lloyd's Rep. 692
- Forward v. West Sussex County Council [1995] 1 W.L.R. 1469; [1995] 4 All E.R. 207, C.A.
- Francis, *Ex parte*. *See* Reg. v. Governor of Belmarsh Prison, *Ex parte* Francis
- Francovich v. Italian Republic (Case C-6/90) [1995] I.C.R. 722, E.C.J.
- Fraternity L. *See* San Nicholas, The
- Freemantle v. The Queen [1994] 1 W.L.R. 1437; [1995] 1 Cr.App.R. 1, P.C.
- Frio Chile, The. *See* Agra Trading Ltd. v. McAuslin
- Fröta Oceanica Brasiliera S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd. [1995] 2 Lloyd's Rep. 254
- Frotanorte, The. *See* Fröta Oceanica Brasiliera S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd.
- Fuji Finance Inc. v. Aetna Life Insurance Co. Ltd. [1995] Ch. 122; [1994] 3 W.L.R. 1280; [1994] 4 All E.R. 1025

- G., *Ex parte*. See Reg. v. Criminal Injuries Compensation Board, *Ex parte* P.
- G. (A Minor) (Care Order: Threshold Conditions), *In re* [1995] Fam. 16; 93 L.G.R. 162
- G.E. Capital Corporate Finance Group Ltd. v. Bankers Trust Co. [1995] 1 W.L.R. 172; [1995] 2 All E.R. 993, C.A.
- G.S. Fashions Ltd. v. B. & Q. Plc. [1995] 1 W.L.R. 1088
- Gallic Leasing Ltd. v. Coburn (1991) 64 T.C. 399, Vinelott J., C.A. and H.L.(E.)
- Galoo Ltd. v. Bright Grahame Murray (a firm) [1994] 1 W.L.R. 1360; [1995] 1 All E.R. 16, C.A.
- Gamerco S.A. v. I.C.M./Fair Warning (Agency) Ltd. [1995] 1 W.L.R. 1226
- Geddes v. Texaco Ltd. See Caerns Motor Services Ltd. v. Texaco Ltd.
- Gerrard v. Staffordshire Potteries Ltd. [1995] I.C.R. 502, C.A.
- Gibb, *Ex parte*. See Reg. v. South Hams District Council, *Ex parte* Gibb
- Gidrxsme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda. [1995] 1 W.L.R. 299
- Glacier Bay, The. See West of England Shipowners Mutual Insurance Association (Luxembourg) v. Cristal Ltd.
- Glengate-KG Properties Ltd. v. Norwich Union Fire Insurance Society [1995] 1 Lloyd's Rep. 278
- Glossop v. Director of Public Prosecutions. See Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Goddard, *Ex parte*. See Reg. v. Medway Magistrates' Court, *Ex parte* Goddard
- Goldcorp Exchange Ltd., *In re* [1995] 1 A.C. 74, P.C.
- Golden Polydinamos, The. See Devotion and Golden Polydinamos, The
- Gordon v. Inland Revenue Comrs. (1991) 64 T.C. 175
- Governing Body of the Henrietta Barnett School v. The Hampstead Garden Suburb Institute (1995) 93 L.G.R. 470
- Gray v. Matheson (1993) 65 T.C. 577
- Gray v. Seymours Garden Centre (Horticulture) (1995) T.C. Leaflet No. 3443, C.A.
- Grayan Building Services Ltd. (In Liquidation), *In re* [1995] Ch. 241; [1995] 3 W.L.R. 1, C.A.
- Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd. [1995] 3 W.L.R. 854, H.L.(E.)
- Greenfield v. Bains. See Collins v. Addies
- Gregos, The. See Torvald Klaveness A/S v. Arni Maritime Corp'n.
- Griffin v. Standish (1995) T.C. Leaflet No. 3445
- Group Josi Re (formerly Groupe Josi Réassurance S.A.) v. Walbrook Insurance Co. Ltd. See Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.
- Grovewood Holdings Plc. v. James Capel & Co. Ltd. [1995] Ch. 80; [1995] 2 W.L.R. 70; [1994] 4 All E.R. 417
- Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah [1995] 1 Lloyd's Rep. 374
- Guardian Media Group Plc., *Ex parte*. See Reg. v. Radio Authority, *Ex parte* Guardian Media Group Plc.
- Guerra v. Baptiste [1995] 3 W.L.R. 891, P.C.
- Guney, *Ex parte*. See Reg. v. Central Criminal Court, *Ex parte* Guney
- H., *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* H.
- H. (Minors) (Prohibited Steps Order), *In re* [1995] 1 W.L.R. 667; [1995] 4 All E.R. 110, C.A.
- Halawa v. Federation Against Copyright Theft [1995] 1 Cr.App.R. 21, D.C.
- Halifax Mortgage Services Ltd. v. Stepsky [1995] 3 W.L.R. 701; [1995] 4 All E.R. 656
- Hallam-Eames v. Merrett Syndicates Ltd. See Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note)
- Hamilton v. Naviede. See Arrows Ltd. (No. 4), *In re*
- Hammersmith and Fulham London Borough Council v. Hill (1994) 92 L.G.R. 665, C.A.
- Handoll v. Warner Goodman & Streat (1994) 93 L.G.R. 293, C.A.
- Harrison, *Ex parte*. See Reg. v. Rugby Borough Council Housing Benefit Review Board, *Ex parte* Harrison
- Harrison v. Kent County Council [1995] I.C.R. 434, E.A.T.
- Harrow London Borough Council v. Johnstone (1995) 93 L.G.R. 435, C.A.
- Hassall v. Secretary of State for Social Security [1995] 1 W.L.R. 812; [1995] 3 All E.R. 909; [1995] R.T.R. 316, C.A.
- Hawthorne, *Ex parte*. See Reg. v. Wandsworth London Borough Council, *Ex parte* Hawthorne
- Heer v. Tutton [1995] 1 W.L.R. 1336; [1995] 4 All E.R. 547, C.A.
- Hellewell v. Chief Constable of Derbyshire [1995] 1 W.L.R. 804; [1995] 4 All E.R. 473
- Hemmens v. Wilson Browne [1995] Ch. 223
- Henderson v. Merrett Syndicates Ltd. [1995] 2 A.C. 145; [1994] 3 W.L.R. 761; [1994] 2 Lloyd's Rep. 468, H.L.(E.)
- Henderson v. Merrett Syndicates Ltd., C.A. See Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note)
- Herbert, *Ex parte*. See Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Hereford and Worcester County Council v. T. & S. Stores Plc. (1994) 93 L.G.R. 98, D.C.

- Hewitson v. Hewitson [1995] Fam. 100; [1995] 2 W.L.R. 287, C.A.; (pet. dis.) [1995] 1 W.L.R. 720, H.L.(E.)
- Hickey, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey
- Hickey (No. 2), *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)
- Hindcastle v. Barbara Attenborough Associates Ltd. [1995] Q.B. 95, C.A.; (pet. all.) [1995] 1 W.L.R. 385, H.L.(E.)
- Hipwood v. Gloucester Health Authority [1995] I.C.R. 999, C.A.
- Ho Young v. Bess [1995] 1 W.L.R. 350, P.C.
- Hoecheong Products Co. Ltd. v. Cargill Hong Kong Ltd. [1995] 1 W.L.R. 404; [1995] 1 Lloyd's Rep. 584, P.C.
- Holmes v. Mitchell (1990) 63 T.C. 718
- Honour v. Norris (1992) 64 T.C. 599
- Horner v. Hasted (1995) T.C. Leaflet No. 3441
- Horner v. Madden (1995) T.C. Leaflet No. 3440
- Houda, The. See Kuwait Petroleum Corpn. v. I. & D. Oil Carriers Ltd.
- Howard v. Ministry of Defence [1995] I.C.R. 1074, E.A.T.
- Hughes v. Asset Managers Plc. [1995] 3 All E.R. 669, C.A.
- Hughes v. Merrett Syndicates Ltd. See Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note)
- Hunt v. Director of Public Prosecutions. See Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Hunt v. Henry Quick Ltd. (1992) 65 T.C. 108
- Hunt v. Murphy (1991) 64 T.C. 427
- Huntley v. Attorney-General for Jamaica [1995] 2 A.C. 1; [1995] 2 W.L.R. 114; [1995] 1 All E.R. 308, P.C.
- Hussain, *Ex parte*. See Reg. v. Leeds Crown Court, *Ex parte* Hussain
- I.P. Metal v. Ruote O.Z. S.p.A. (No. 2) [1994] 2 Lloyd's Rep. 560, C.A.
- Ikarian Reefer, The. See National Justice Compania Naviera S.A. v. Prudential Assurance Co. Ltd.
- Ines, The. See M.B. Pyramid Sound N.V. v. Briesse Schifffahrts G.m.b.H. and Co.
- Ingram v. Inland Revenue Comrs. [1995] 4 All E.R. 334
- Inland Revenue Comrs. v. Eurocopy Plc. (1991) 64 T.C. 370
- Inland Revenue Comrs. v. Gordon. See Gordon v. Inland Revenue Comrs.
- Inland Revenue Comrs. v. Reed International Plc. (1995) T.C. Leaflet No. 3447, C.A.
- Inland Revenue Comrs. v. West (1991) 64 T.C. 196, Drake J. and C.A.
- Inland Revenue Comrs. v. Wilkinson (1992) 65 T.C. 28, Gareth Williams Q.C. and C.A.
- Inland Revenue Comrs. v. Willoughby (1994) T.C. Leaflet No. 3428, C.A.
- Insurance Co. v. Lloyd's Syndicate [1995] 1 Lloyd's Rep. 272
- Interatlantic (Namibia) (Pty.) Ltd. v. Okeanski Ribolov Ltd. [1995] 2 Lloyd's Rep. 286
- International Business Machines Corpn. v. Phoenix International (Computers) Ltd. [1995] 1 All E.R. 413
- International Fina Services A.G. v. Katrina Shipping Ltd. [1995] 2 Lloyd's Rep. 344, C.A.
- International Trader's Ferry Ltd., *Ex parte*. See Reg. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd.
- Invergie Investments Ltd. v. Hackett [1995] 1 W.L.R. 713; [1995] 3 All E.R. 841, P.C.
- Ira, The. See Forestships International Ltd. v. Armonia Shipping and Finance Corpn.
- Island Archon, The. See Triad Shipping Co. v. Stellar Chartering & Brokerage Inc.
- Jaggard v. Sawyer [1995] 1 W.L.R. 269; [1995] 2 All E.R. 189, C.A.
- James Lazenby & Co. v. McNicholas Construction Co. Ltd. [1995] 1 W.L.R. 615; [1995] 3 All E.R. 820; [1995] 2 Lloyd's Rep. 30
- Jamieson, *Ex parte*. See Reg. v. H.M. Coroner for North Humberside and Scunthorpe, *Ex parte* Jamieson
- Jardine v. Derbyshire. See Director of Public Prosecutions v. Derbyshire
- Jarmin v. Rawlings (1994) T.C. Leaflet No. 3414
- Johnson v. Chief Adjudication Officer (Case C-410/92) [1995] I.C.R. 375, E.C.J.
- Johnson v. Farquhar (1991) 64 T.C. 385
- Jolley v. General Comrs. for Bolton (1986) 65 T.C. 242
- Jones v. Attorney-General of the Commonwealth of the Bahamas [1995] 1 W.L.R. 891; [1995] 4 All E.R. 1, P.C.
- Jones v. Lincoln-Lewis (1991) 64 T.C. 112
- Jordan v. Norfolk County Council [1994] 1 W.L.R. 1353; 93 L.G.R. 50
- Joyce v. Liverpool City Council [1995] 3 W.L.R. 439; [1995] 3 All E.R. 110, C.A.

- K. (A Minor) (Adoption Order: Nationality), *In re* [1995] Fam. 38; [1994] 3 W.L.R. 572; [1994] 3 All E.R. 553, C.A.
- KPMG Peat Marwick McLintock v. H.L.T. Group Ltd. [1995] 2 All E.R. 180
- Kaye, *Ex parte*. See Reg. v. Inland Revenue Comrs., *Ex parte* Kaye
- Keary Developments Ltd. v. Tarmac Construction Ltd. [1995] 3 All E.R. 534, C.A.
- Keating v. Bromley London Borough Council. See E. (A Minor) v. Dorset County Council
- Keepers and Governors of the Possessions Revenues and Goods of the Free Grammar School of John Lyon v. James [1995] 3 W.L.R. 908, C.A.
- Ken Lane Transport Ltd. v. North Yorkshire County Council [1995] 1 W.L.R. 1416, D.C.
- Kelly, *Ex parte*. See Reg. v. H.M. Inspector of Taxes, *Ex parte* Kelly
- Kelman v. Care Contract Services Ltd. [1995] I.C.R. 260, E.A.T.
- Kelsall v. Stipplechoice Ltd. (1995) T.C. Leaflet No. 3439, C.A.
- Khan v. General Comrs. for Newport and Inland Revenue Comrs. (1994) T.C. Leaflet No. 3413
- Khanna v. Lovell White Durrant (a firm) [1995] 1 W.L.R. 121; [1994] 4 All E.R. 267
- King, *Ex parte*. See Reg. v. Bromley Magistrates' Court, *Ex parte* Smith
- King v. Bridisco Ltd. See Hunt v. Henry Quick Ltd.
- King v. Smith [1995] I.C.R. 339, C.A.
- Kingsley v. Billingham (1992) 65 T.C. 133
- Kirkby v. Hughes (1992) 65 T.C. 532
- Kirkham v. Williams (1991) 64 T.C. 253, Vinelott J. and C.A.
- Kleinwort Benson Ltd. v. Glasgow City Council (Case C-346/93) [1995] 3 W.L.R. 866, E.C.J.
- Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council [1994] 4 All E.R. 972
- Koenigsberger v. Mellor (1995) T.C. Leaflet No. 3438, C.A.
- Kramer v. South Bedfordshire Community Health Care Trust [1995] I.C.R. 1066
- Ku, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Ku
- Kuet, *Ex parte*. See Reg. v. Secretary of State for the Home Department, *Ex parte* Ku
- Kuwait Airways Corp. v. Iraqi Airways Co. [1995] 1 Lloyd's Rep. 25, C.A.; [1995] 1 W.L.R. 1147; [1995] 3 All E.R. 694; [1995] 2 Lloyd's Rep. 317, H.L.(E.)
- Kuwait Airways Corp. v. Iraqi Airways Co. (No. 3) (Note) [1995] 1 Lloyd's Rep. 39, C.A.
- Kuwait Petroleum Corp. v. I. & D. Oil Carriers Ltd. [1994] 2 Lloyd's Rep. 541, C.A.
- Laddingford Enclosures Ltd. v. Forsyth. See Ruxley Electronics and Constructions Ltd. v. Forsyth
- Lancashire County Council, *Ex parte*. See Reg. v. Secretary of State for the Environment, *Ex parte* Lancashire County Council
- Lancer Navigation Co. Ltd. v. Semco Salvage & Marine Pte. Ltd. See Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.
- Law Debenture Trust Corp. Plc. v. Ural Caspian Oil Corp. Ltd. [1995] Ch. 152; [1994] 3 W.L.R. 1221; [1995] 1 All E.R. 157, C.A.
- Lawson v. Brooks (1991) 64 T.C. 462
- Lawson v. Johnson Matthey Plc. (1992) 65 T.C. 39, D.C., C.A. and H.L.(E.)
- Leicester University Students' Union v. Mahomed [1995] I.C.R. 270, E.A.T.
- Leighton v. Michael [1995] I.C.R. 1091, E.A.T.
- Leisureking Ltd. v. Cushing (1992) 65 T.C. 400
- Leonard v. Blanchard (1993) 65 T.C. 589, Hoffmann J. and C.A.
- Lever, *Ex parte*. See Reg. v. Maidstone Crown Court, *Ex parte* Lever
- Levett v. Barclays Bank Plc. [1995] 1 W.L.R. 1260; [1995] 2 All E.R. 615
- Lewis v. Mid Glamorgan County Council. See Mid Glamorgan County Council v. Ogwr Borough Council
- Lewis v. Rook (1992) 64 T.C. 567, Mervyn Davies J. and C.A.
- Lewis v. Walters (1992) 64 T.C. 489
- Ley v. Delaissé [1995] 2 Lloyd's Rep. 7
- Leyland DAF Ltd., *In re*. See Powdrill v. Watson
- Light v. Director of Public Prosecutions [1994] R.T.R. 396, D.C.
- Lilley, *Ex parte*. See Reg. v. South Worcestershire Justices, *Ex parte* Lilley
- Little Olympian Each Ways Ltd., *In re* [1995] 1 W.L.R. 560; [1994] 4 All E.R. 561
- Littrell v. United States of America (No. 2) [1995] 1 W.L.R. 82; [1994] 4 All E.R. 203, C.A.
- Liverpool City Council v. B. [1995] 1 W.L.R. 505; 93 L.G.R. 175
- Lloyd Pacifico, The [1995] 1 Lloyd's Rep. 54
- Lobban v. The Queen [1995] 1 W.L.R. 877; [1995] 2 All E.R. 602, P.C.
- Lok Vivek and Common Venture, The [1995] 2 Lloyd's Rep. 230
- London Branch of the Nigerian Universities Commission v. Bastians [1995] I.C.R. 358, E.A.T.
- London Underground Ltd. v. Edwards [1995] I.C.R. 574, E.A.T.
- Longden v. British Coal Corp. [1995] I.C.R. 957, C.A.
- Looiersgracht, The [1995] 2 Lloyd's Rep. 411

Lord Advocate v. Butt (1991) 64 T.C. 471

Losinjka Plovidba v. Transco Overseas Ltd. [1995] 2 Lloyd's Rep. 395

Lovell v. Porter. *See* Heer v. Tutton

M. (A Minor) (Care Orders: Threshold Conditions), *In re* (1994) 92 L.G.R. 701, H.L.(E.)

M. (A Minor) (Secure Accommodation Order), *In re* [1995] Fam. 108; [1995] 2 W.L.R. 302; [1995] 3 All E.R. 407; 93 L.G.R. 127, C.A.

M. (A Minor) v. Newham London Borough Council [1995] 2 A.C. 633; [1994] 2 W.L.R. 554; [1994] 4 All E.R. 602, C.A.; [1995] 2 A.C. 633; [1995] 3 W.L.R. 152; [1995] 3 All E.R. 353, H.L.(E.)

M.B. Pyramid Sound N.V. v. Briese Schiffahrts G.m.b.H. and Co. [1995] 1 Lloyd's Rep. 144

M.G.N. Pension Trustees Ltd. v. Bank of America National Trust and Savings Association [1995] 2 All E.R. 355

McBrearty v. Ministry of Defence. *See* Elgouzouli-Daf v. Comr. of Police of the Metropolis

McCann, *Ex parte*. *See* Reg. v. Liverpool Crown Court, *Ex parte* McCann

McCann v. Wright [1995] 1 W.L.R. 1556, C.A.

McDonald v. Horn [1995] I.C.R. 685; [1995] 1 All E.R. 961, C.A.

McDonald's Corpn. v. Steel [1995] 3 All E.R. 615, C.A.

McFarlane v. E.E. Caledonia Ltd. (No. 2) [1995] 1 W.L.R. 366; [1995] 1 Lloyd's Rep. 535

McGeown v. Northern Ireland Housing Executive [1995] 1 A.C. 233; [1994] 3 W.L.R. 187; 92 L.G.R. 629, H.L.(N.I.)

McGuckian v. Inland Revenue Comrs. (1994) T.C. Leaflet No. 3412, C.A.

Maciej Rataj, The [1995] 1 Lloyd's Rep. 302, E.C.J.

McIlroy, *Ex parte*. *See* Reg. v. Cheshire Justices, *Ex parte* Sinnott

McMeechan v. Secretary of State for Employment [1995] I.C.R. 444, E.A.T.

McMenamin v. Diggles (1991) 64 T.C. 286

Macmillan Inc. v. Bishopsgate Investment Trust Plc. (No. 3) [1995] 1 W.L.R. 978; [1995] 3 All E.R. 747

McQuillan, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* McQuillan

Malone, *Ex parte*. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)

Mangistaumunaigaz Oil Production Association v. United World Trade Inc. [1995] 1 Lloyd's Rep. 617

Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd. [1995] 1 Lloyd's Rep. 651

Manlon Trading Ltd., *In re* [1995] 3 W.L.R. 271; [1995] 1 All E.R. 988; [1995] 3 W.L.R. 839; [1995] 4 All E.R. 14, C.A.

Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd. [1995] 1 W.L.R. 1508, C.A.

Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd. [1995] 3 W.L.R. 227; [1995] 3 All E.R. 307; [1995] 2 Lloyd's Rep. 299, H.L.(E.)

Marchant v. Onslow [1995] Ch.1

Marimpex Mineralöl Handelsgesellschaft M.B.H. v. Louis Dreyfus Et Cie. Mineralöl G.m.b.H. [1995] 1 Lloyd's Rep. 167

Marine Star, The. *See* Coastal (Bermuda) Petroleum Ltd. v. VTT Vulcan Petroleum S.A. (No. 2)

Marshall v. Kerr [1995] 1 A.C. 148, H.L.(E.)

Marshall v. N.M. Financial Management Ltd. [1995] 1 W.L.R. 1461; [1995] I.C.R. 1042

Martin, *Ex parte*. *See* Reg. v. Governor of Belmarsh Prison, *Ex parte* Martin

Martin, *Ex parte*. *See* Reg. v. Mid Glamorgan Family Health Services Authority, *Ex parte* Martin

Martin v. Watson [1995] 3 W.L.R. 318; [1995] 3 All E.R. 559, H.L.(E.)

Massey, *Ex parte*. *See* Reg. v. Newcastle-under-Lyme Justices, *Ex parte* Massey

Massey v. Midland Bank Plc. [1995] 1 All E.R. 929, C.A.

Mattesons' Wall's Ltd., *Ex parte*. *See* Reg. v. Inland Revenue Comrs., *Ex parte* Unilever Plc.

Matthew v. T.M. Sutton Ltd. [1994] 1 W.L.R. 1455; [1994] 4 All E.R. 793

Mead, *Ex parte*. *See* Reg. v. Inland Revenue Comrs., *Ex parte* Mead

Meade-Hill v. British Council [1995] I.C.R. 847, C.A.

Mediterranean Freight Services Ltd. v. B.P. Oil International Ltd. [1994] 2 Lloyd's Rep. 506, C.A.

Mellor v. Gurney (1994) T.C. Leaflet No. 3418

Melluish v. B.M.I. (No. 3) Ltd. [1995] Ch. 90, Vinelott J. and C.A.; (pet. all.) [1995] 1 W.L.R. 30; [1995] 3 W.L.R. 630; [1995] 4 All E.R. 453, H.L.(E.)

Melluish v. B.M.I. (No. 6) Ltd. *See* Melluish v. B.M.I. (No. 3) Ltd.

Melluish v. B.M.I. (No. 9) Ltd. *See* Melluish v. B.M.I. (No. 3) Ltd.

Melluish v. Barclays Mercantile Business Finance Ltd. *See* Melluish v. B.M.I. (No. 3) Ltd.

Melluish v. Fitzroy Finance Ltd. *See* Melluish v. B.M.I. (No. 3) Ltd.

Melton Medes Ltd. v. Securities and Investments Board [1995] Ch. 137; [1995] 2 W.L.R. 247; [1995] 3 All E.R. 880

Mercedes Benz A.G. v. Leiduck [1995] 3 W.L.R. 718; [1995] 3 All E.R. 929, P.C.

Meridian Global Funds Management Asia Ltd. v. Securities Commission [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.

- Merrett, Gooda Walker and Feltrim Cases. *See* Henderson v. Merrett Syndicates Ltd.
 Methilhill Bowling Club v. Hunter [1995] I.C.R. 793, E.A.T.
 Mid Glamorgan County Council v. Ogwr Borough Council [1995] 1 W.L.R. 313; [1995] 1 All E.R. 760; 93 L.G.R. 179, H.L.(E.)
 Midland Bank Plc. v. Cooke [1995] 4 All E.R. 562, C.A.
 Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T.
 Mills v. The Queen [1995] 1 W.L.R. 511; [1995] 3 All E.R. 865, P.C.
 Minorities Finance Ltd. v. Afribank Nigeria Ltd. [1995] 1 Lloyd's Rep. 134
 Misell v. Essex County Council (1994) 93 L.G.R. 108
 Moodie v. Inland Revenue Comrs. (1993) 65 T.C. 610, Hoffmann J., C.A. and H.L.(E.)
 Morgan Grenfell & Co. Ltd. v. Welwyn Hatfield District Council [1995] 1 All E.R. 1
 Mortgage Express Ltd. v. Bowerman and Partners (a firm). *See* Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.
 Moroni v. Collo G.m.b.H. (Case C-110/91) [1995] I.C.R. 137, E.C.J.
 Mytre Investments Ltd. v. Reynolds [1995] 3 All E.R. 588
- N. (Child Abduction: Jurisdiction), *In re* [1995] Fam. 96; [1995] 2 W.L.R. 233; [1995] 2 All E.R. 417
 N.A.P. Holdings U.K. Ltd. v. Whittles (1994) T.C. Leaflet No. 3415, H.L.(E.)
 N.R.G. Victory Reinsurance Ltd., *In re* [1995] 1 W.L.R. 239
 Naftilos LS. *See* Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.
 Nagarajan v. Agnew [1995] I.C.R. 520, E.A.T.
 Nagasaki Spirit, The. *See* Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.
 Napier v. Griffiths (1990) 63 T.C. 745, Vinelott J. and C.A.
 National Justice Compania Naviera S.A. v. Prudential Assurance Co. Ltd. [1995] 1 Lloyd's Rep. 455, C.A.
 National Rivers Authority v. Yorkshire Water Services Ltd. [1995] 1 A.C. 444; [1994] 3 W.L.R. 1202; [1995] 1 All E.R. 225, H.L.(E.)
 National Union of Mineworkers (Yorkshire Area) v. Millward [1995] I.C.R. 482, E.A.T.
 National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1995] I.C.R. 317, E.A.T.
 National Westminster Bank Plc. v. Inland Revenue Comrs. [1995] 1 A.C. 119, H.L.(E.)
 Neath v. Hugh Steeper Ltd. (Case C-152/91) [1995] I.C.R. 158, E.C.J.
 Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow [1995] 1 All E.R. 976; [1995] 2 Lloyd's Rep. 44
 Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow (No. 2) [1995] 2 Lloyd's Rep. 404
 Neely v. Ward (1993) 65 T.C. 567, Sir Donald Nicholls V.-C. and C.A.
 Nelson Pine Industries Ltd. v. Seatrans New Zealand Ltd. [1995] 1 Lloyd's Rep. 290
 Neptune (Vehicle Washing Equipment) Ltd. v. Fitzgerald [1995] 3 W.L.R. 108; [1995] 3 All E.R. 811
 Network Housing Association Ltd. v. Westminster City Council (1994) 93 L.G.R. 280, D.C.
 New Vanguard, The. *See* Aectra Refining and Marketing Inc. v. Exmar N.V.
 New Zealand Guardian Trust Co. Ltd. v. Brooks [1995] 1 W.L.R. 96, P.C.
 Newport Association Football Club Ltd. v. Football Association of Wales Ltd. [1995] 2 All E.R. 87
 Nicholas H, The. *See* Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd.
 Nichols v. Gibson (1994) T.C. Leaflet No. 3419
 Niobe Maritime Corpn. v. Tradax Ocean Transportation S.A. [1995] 1 Lloyd's Rep. 579, H.L.(E.)
 North Yorkshire County Council v. Ratcliffe [1995] I.C.R. 833, H.L.(E.)
 North Yorkshire County Council v. Selby Youth Court [1995] 1 W.L.R. 1; [1994] 1 All E.R. 991; 93 L.G.R. 226, D.C.
 Norweb Plc. v. Dixon [1995] 1 W.L.R. 636; [1995] 3 All E.R. 952, D.C.
 Nuclear Electric Plc. v. Bradley (1995) T.C. Leaflet No. 3429
 Nuttall v. Barrett (1992) 64 T.C. 548
 Nutting v. Baldwin [1995] 1 W.L.R. 201; [1995] 2 All E.R. 321
 Nykredit Mortgage Bank Plc. v. Edward Erdman Group Ltd. (formerly Edward Erdman (an unlimited company)). *See* Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.
- O.K. Petroleum A.B. v. Vitol Energy S.A. [1995] 2 Lloyd's Rep. 160
 Ocarina Marine Ltd. v. Marcard Stein & Co. [1994] 2 Lloyd's Rep. 524
 Ogburn v. Director of Public Prosecutions [1995] 1 Cr.App.R. 383, D.C.
 O'Leary v. McKinlay (1990) 63 T.C. 729
 Omar v. Omar [1995] 1 W.L.R. 1428; [1995] 3 All E.R. 571
 Orjula, The. *See* Losinjaska Plovidba v. Transco Overseas Ltd.
 O'Rourke v. Binks (1992) 65 T.C. 165, Vinelott J. and C.A.
 Osman, *In re* (Practice Note) [1995] 1 W.L.R. 1327

- Owen (trading as Max Owen Associates) v. Pugh [1995] 3 All E.R. 345
- Owens Bank Ltd. v. Etoile Commerciale S.A. [1995] 1 W.L.R. 44, P.C.
- Oxfordshire County Council v. P. [1995] Fam. 161; [1995] 2 W.L.R. 543; [1995] 2 All E.R. 225; 93 L.G.R. 336
- P., *Ex parte*. See Reg. v. Criminal Injuries Compensation Board, *Ex parte* P.
- Page v. Smith [1995] 2 W.L.R. 644; [1995] 2 All E.R. 736; [1995] R.T.R. 210; [1995] 2 Lloyd's Rep. 95, H.L.(E.)
- Pamela, The. See Schelde Delta Shipping B.V. v. Astarte Shipping Ltd.
- Pan Atlantic Insurance Co. Ltd. v. Pine Top Insurance Co. Ltd. [1994] 3 W.L.R. 677; [1995] 1 A.C. 501; [1994] 2 Lloyd's Rep. 427, H.L.(E.)
- Parr v. Smith [1995] 2 All E.R. 1031, C.A.
- Patel v. Nagesan [1995] I.C.R. 988, C.A.
- Peach Grey & Co. v. Sommers [1995] I.C.R. 549; [1995] 2 All E.R. 513
- Pembroke, The. See Nelson Pine Industries Ltd. v. Seatrans New Zealand Ltd.
- Pennell v. Payne [1995] Q.B. 192; [1995] 2 W.L.R. 261; [1995] 2 All E.R. 592, C.A.
- Pepper v. Hart (1992) 65 T.C. 421, Nicholls J., C.A. and H.L.(E.)
- Percy v. Director of Public Prosecutions [1995] 1 W.L.R. 1382; [1995] 3 All E.R. 124, D.C.
- Pether v. Secretary of State for Social Security. See Hassall v. Secretary of State for Social Security
- Petr Schmidt, The. See Swiss Bank Corp'n. v. Novorossiysk Shipping Co.
- Petromin S.A. v. Secnav Marine Ltd. [1995] 1 Lloyd's Rep. 603
- Petrotrade Inc. v. Stinnes Handel G.m.b.H. [1995] 1 Lloyd's Rep. 142
- Philipp Brothers v. Republic of Sierra Leone [1995] 1 Lloyd's Rep. 289, C.A.
- Pickles v. Holdsworth. See Heer v. Tutton
- Pigott v. Staines Investments Ltd. (1995) T.C. Leaflet No. 3426
- Pionier, The. See Continental Fertilizer Co. Ltd. v. Pionier Shipping C.V.
- Plewa v. Chief Adjudication Officer [1995] 1 A.C. 249, H.L.(E.)
- Pollard v. The Queen [1995] 1 W.L.R. 1591, P.C.
- Popat v. Shonchhatra [1995] 1 W.L.R. 908; [1995] 4 All E.R. 646
- Post Office v. Adekeye [1995] I.C.R. 540, E.A.T.
- Post Office v. Richmond London Borough Council [1995] R.T.R. 28, D.C.
- Powdrill v. Watson [1994] 4 All E.R. 300; [1994] I.C.R. 395; [1994] 2 All E.R. 513, C.A.; [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] I.C.R. 1100; [1995] 2 All E.R. 65, H.L.(E.)
- Practice Direction (Chancery Division: Procedure and Case Management) [1995] 1 W.L.R. 785; [1995] 2 All E.R. 512
- Practice Direction (Child: Change of Surname) [1995] 1 W.L.R. 365
- Practice Direction (Civil Litigation: Case Management) [1995] 1 W.L.R. 508; [1995] 1 W.L.R. 262; [1995] 1 All E.R. 385
- Practice Direction (Court Dress) [1994] 1 W.L.R. 1056; [1995] 1 Cr.App.R. 13
- Practice Direction (Court Dress) (No. 2) [1995] 1 W.L.R. 648; [1995] 2 Cr.App.R. 191
- Practice Direction (Court of Appeal: Citation of Authority) [1995] 1 W.L.R. 1096; [1995] 3 All E.R. 256, C.A.
- Practice Direction (Court of Appeal: Handed Down Judgments) [1995] 1 W.L.R. 1055; [1995] 3 All E.R. 247, C.A.
- Practice Direction (Court of Appeal: Procedure) [1995] 1 W.L.R. 1191, C.A.
- Practice Direction (Crown Court: Allocation of Business) [1995] 1 W.L.R. 1083; [1995] 2 All E.R. 900; [1995] 2 Cr.App.R. 235, C.A.
- Practice Direction (Crown Court: Counsel) [1995] 1 W.L.R. 261; [1995] 1 All E.R. 307; [1995] 1 Cr.App.R. 576
- Practice Direction (Crown Court: Defendant's Evidence) [1995] 1 W.L.R. 657; [1995] 2 All E.R. 499; [1995] 2 Cr.App.R. 192
- Practice Direction (Crown Court: Plea and Directions Hearings) [1995] 1 W.L.R. 1318; [1995] 4 All E.R. 379
- Practice Direction (Evidence: Documents) [1995] 1 W.L.R. 510; [1995] 2 All E.R. 511
- Practice Direction (Family Proceedings: Case Management) [1995] 1 W.L.R. 332
- Practice Direction (Hansard: Citation) [1995] 1 W.L.R. 192; [1995] 1 All E.R. 234
- Practice Direction (House of Lords: Amendments to Procedure) [1995] 1 W.L.R. 422; [1995] 2 Cr.App.R. 162, H.L.
- Practice Direction (House of Lords: Amendments to Procedure) (No. 2) [1995] 1 W.L.R. 1145, H.L.
- Practice Direction (Insolvency Appeals: Individuals) [1995] 1 W.L.R. 1323; [1995] 4 All E.R. 129
- Practice Direction (Jury List: Setting Down) [1995] 1 W.L.R. 364
- Practice Direction (Patents Court: Procedure) [1995] 1 W.L.R. 1578
- Practice Direction (Probate: Notice to Quit) [1995] 1 W.L.R. 1120
- Practice Direction (Provisional Damages: Amended Procedure) [1995] 1 W.L.R. 507; [1995] 2 All E.R. 511

Practice Statement (Court of Appeal: Procedural Changes) [1995] 1 W.L.R. 1188, C.A.

Prebble v. Television New Zealand Ltd. [1995] 1 A.C. 321, P.C.

Prime v. Hosking [1995] R.T.R. 189, D.C.

Qingdao Ocean Shipping Co. v. Grace Shipping Establishment [1995] 2 Lloyd's Rep. 15

R. (A Minor) (Consent Order: Appeal), *In re* [1995] 1 W.L.R. 184, C.A.

R. v. R. (Residence Order: Child Abduction) [1995] Fam. 209; [1995] 3 W.L.R. 425; [1995] 4 All E.R. 115

R.A. Securities Ltd. v. Mercantile Credit Co. Ltd. [1995] 3 All E.R. 581

Rankin v. British Coal Corpn. [1995] I.C.R. 774, E.A.T.

Reckley v. Minister of Public Safety and Immigration [1995] 2 A.C. 491; [1995] 3 W.L.R. 390; [1995] 4 All E.R. 8, P.C.

Red Cab Taxis Ltd., *Ex parte*. See Reg. v. Blackpool Borough Council, *Ex parte* Red Cab Taxis Ltd.

Red Sea Insurance Co. Ltd. v. Bouygnes S.A. [1995] 1 A.C. 190, P.C.

Reed International Plc. v. Inland Revenue Comrs. See Inland Revenue Comrs. v. Reed International Plc.

Regalian Properties Plc. v. London Docklands Development Corpn. [1995] 1 W.L.R. 212; [1995] 1 All E.R. 1005

Reg. v. Adomako [1995] 1 A.C. 171, H.L.(E.)

Reg. v. Asghar [1995] 1 Cr.App.R. 223, C.A.

Reg. v. Asquith [1995] R.T.R. 54, C.A.

Reg. v. Asquith (Lee). See Reg. v. Webster

Reg. v. Associated Octel Ltd. [1995] I.C.R. 281; [1994] 4 All E.R. 1051, C.A.

Reg. v. Avey [1994] R.T.R. 419, C.A. and D.C.

Reg. v. Aziz [1995] 3 W.L.R. 53; [1995] 3 All E.R. 149, H.L.(E.)

Reg. v. Bailey (Paula) [1995] 2 Cr.App.R. 262, C.A.

Reg. v. Baillie (John) [1995] 2 Cr.App.R. 31, C.A.

Reg. v. Beckford (Anthony) [1995] R.T.R. 251, C.A.

Reg. v. Berry (No. 3) [1995] 1 W.L.R. 7; [1994] 2 All E.R. 913, C.A.

Reg. v. Blackpool Borough Council, *Ex parte* Red Cab Taxis Ltd. [1994] R.T.R. 402

Reg. v. Blenkinsop [1995] 1 Cr.App.R. 7, C.A.

Reg. v. Brent London Borough Council, *Ex parte* Awua [1995] 3 W.L.R. 215; [1995] 3 All E.R. 493, H.L.(E.)

Reg. v. British Steel Plc. [1995] 1 W.L.R. 1356; [1995] I.C.R. 586, C.A.

Reg. v. Broadbent. See Reg. v. Rawlings (Practice Note)

Reg. v. Bromley Magistrates' Court, *Ex parte* Smith [1995] 1 W.L.R. 944; [1995] 4 All E.R. 146; [1995] 2 Cr.App.R. 285, D.C.

Reg. v. Brown (Winston) [1994] 1 W.L.R. 1599; [1995] 1 Cr.App.R. 191, C.A.

Reg. v. Burton-upon-Trent Justices, *Ex parte* Woolley [1995] R.T.R. 139

Reg. v. Button. See Reg. v. Sherwood

Reg. v. Callum [1995] R.T.R. 246, C.A.

Reg. v. Cambridge Health Authority, *Ex parte* B. [1995] 1 W.L.R. 898; [1995] 2 All E.R. 129, C.A.

Reg. v. Campbell (Oliver) [1995] 1 Cr.App.R. 522, C.A.

Reg. v. Canons Park Mental Health Review Tribunal, *Ex parte* A. [1995] Q.B. 60, C.A.

Reg. v. Central Criminal Court, *Ex parte* Crook. See Crook, *Ex parte*

Reg. v. Central Criminal Court, *Ex parte* Gurney [1994] 1 W.L.R. 438; [1994] 2 All E.R. 423; [1995] 1 Cr.App.R. 50, D.C.; [1995] 1 W.L.R. 576; [1995] 2 All E.R. 577; [1995] 2 Cr.App.R. 350, C.A.

Reg. v. Cheshire Justices, *Ex parte* Burgess. See Reg. v. Cheshire Justices, *Ex parte* Sinnott

Reg. v. Cheshire Justices, *Ex parte* Burns. See Reg. v. Cheshire Justices, *Ex parte* Cunningham

Reg. v. Cheshire Justices, *Ex parte* Cunningham [1995] R.T.R. 287, D.C.

Reg. v. Cheshire Justices, *Ex parte* Sinnott [1995] R.T.R. 281, D.C.

Reg. v. Cheshire Justices, *Ex parte* Vernon. See Reg. v. Cheshire Justices, *Ex parte* Sinnott

Reg. v. Chief Constable of Nottinghamshire Constabulary, *Ex parte* Sunderland. See Reg. v. Chief Constable of West Midlands Police, *Ex parte* Wiley

Reg. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd. [1995] 3 W.L.R. 802; [1995] 4 All E.R. 364, D.C.

Reg. v. Chief Constable of West Midlands Police, *Ex parte* Wiley [1995] 1 A.C. 274; [1995] 1 Cr.App.R. 342, H.L.(E.)

Reg. v. Clare [1995] 2 Cr.App.R. 333, C.A.

Reg. v. Clarke [1995] 2 Cr.App.R. 425, C.A.

Reg. v. Clegg [1995] 1 A.C. 482; [1995] 2 W.L.R. 80; [1995] 1 All E.R. 334; [1995] 1 Cr.App.R. 507, H.L.(N.I.)

Reg. v. Coles [1995] 1 Cr.App.R. 157, C.A.

- Reg. v. Comr. of Police of the Metropolis, *Ex parte* Bennett [1995] Q.B. 313; [1995] 2 W.L.R. 598; [1995] 3 All E.R. 248, D.C.
- Reg. v. Cooke (Stephen) [1995] 1 Cr.App.R. 318, C.A.
- Reg. v. Coventry City Council, *Ex parte* Phoenix Aviation [1995] 3 All E.R. 37, D.C.
- Reg. v. Cowan [1995] 3 W.L.R. 818, C.A.
- Reg. v. Criminal Injuries Compensation Board, *Ex parte* G. See Reg. v. Criminal Injuries Compensation Board, *Ex parte* P.
- Reg. v. Criminal Injuries Compensation Board, *Ex parte* P. [1995] 1 W.L.R. 845; [1995] 1 All E.R. 870, C.A.
- Reg. v. Dalton [1995] Q.B. 243; [1995] 2 W.L.R. 377; [1995] 2 All E.R. 349; [1995] 2 Cr.App.R. 340, C.A.
- Reg. v. Daventry District Council Housing Benefit Review Board, *Ex parte* Bodden. See Reg. v. Sheffield City Council Housing Benefit Review Board, *Ex parte* Smith
- Reg. v. Day [1995] R.T.R. 183, C.A.
- Reg. v. Deakin [1994] 4 All E.R. 769; [1995] 1 Cr.App.R. 471, C.A.
- Reg. v. Dealy [1995] 1 W.L.R. 658; [1995] 2 Cr.App.R. 398, C.A.
- Reg. v. Derby Magistrates' Court, *Ex parte* B. [1995] 3 W.L.R. 681; [1995] 4 All E.R. 526, H.L.(E.)
- Reg. v. Devon County Council, *Ex parte* Baker [1995] 1 All E.R. 73, C.A.
- Reg. v. Director of Public Prosecutions, *Ex parte* C. [1995] 1 Cr.App.R. 136, D.C.
- Reg. v. Dorset County Council, *Ex parte* Rolls. See Reg. v. South Hams District Council, *Ex parte* Gibb
- Reg. v. Downey [1995] 1 Cr.App.R. 547, C.A.
- Reg. v. Dubar [1995] 1 Cr.App.R. 280, Ct.-M.A.C.
- Reg. v. Durbin [1995] 2 Cr.App.R. 84, C.A.
- Reg. v. Dwyer. See Reg. v. Kellard
- Reg. v. E. See Reg. v. Mankanjuola
- Reg. v. Edwards. See Reg. v. Avey
- Reg. v. Effik [1995] 1 A.C. 309, H.L.(E.)
- Reg. v. Eriemo [1995] 2 Cr.App.R. 206, C.A.
- Reg. v. Essex County Council, *Ex parte* C. (1993) 93 L.G.R. 10, C.A.
- Reg. v. Fulcher [1995] 2 Cr.App.R. 251, C.A.
- Reg. v. Gayle. See Reg. v. Cowan
- Reg. v. Gloucestershire County Council, *Ex parte* Davies. See Reg. v. South Hams District Council, *Ex parte* Gibb
- Reg. v. Gordon (Michael) [1995] 1 Cr.App.R. 290, C.A.
- Reg. v. Gordon (Stafford) [1995] 2 Cr.App.R. 61, C.A.
- Reg. v. Gostkowski [1995] R.T.R. 324, C.A.
- Reg. v. Governor of Belmarsh Prison, *Ex parte* Francis [1995] 1 W.L.R. 1121; [1995] 3 All E.R. 634, D.C.
- Reg. v. Governor of Belmarsh Prison, *Ex parte* Martin [1995] 1 W.L.R. 412; [1995] 2 All E.R. 548, D.C.
- Reg. v. Governor of Elmley Prison, *Ex parte* Clark. See Reg. v. Maidstone Crown Court, *Ex parte* Clark
- Reg. v. Gray [1995] 2 Cr.App.R. 100, C.A.
- Reg. v. H. [1995] 2 A.C. 596; [1995] 2 W.L.R. 737; [1995] 2 All E.R. 865; [1995] 2 Cr.App.R. 437, H.L.(E.)
- Reg. v. H.M. Coroner for North Humberside and Scunthorpe, *Ex parte* Jamieson [1995] Q.B. 1, C.A.; (pet. dis.) [1995] 1 W.L.R. 31, H.L.(E.)
- Reg. v. H.M. Inspector of Taxes, *Ex parte* Kelly (1991) 64 T.C. 343, Vinelott J. and C.A.
- Reg. v. Hacker [1994] 1 W.L.R. 1659; [1995] 1 All E.R. 45; [1995] R.T.R. 1; [1995] 1 Cr.App.R. 332, H.L.(E.)
- Reg. v. Hampshire [1995] 3 W.L.R. 260; [1995] 2 All E.R. 1019; [1995] 2 Cr.App.R. 319, C.A.
- Reg. v. Harper [1995] R.T.R. 340, C.A.
- Reg. v. Highbury Corner Magistrates' Court, *Ex parte* Sonn & Co. [1995] 1 W.L.R. 1365; [1995] 4 All E.R. 57, D.C.
- Reg. v. Holloway. See Reg. v. Pieterston
- Reg. v. Horseferry Road Magistrates' Court, *Ex parte* Bennett (No. 2) [1994] 1 All E.R. 289; 99 Cr.App.R. 123, D.C.; [1995] 1 Cr.App.R. 147, D.C.
- Reg. v. Horsham District Council, *Ex parte* Wenman [1995] 1 W.L.R. 680; [1995] 4 All E.R. 681
- Reg. v. Hurst [1995] 1 Cr.App.R. 82, C.A.
- Reg. v. Inland Revenue Comrs., *Ex parte* Caglar (1995) T.C. Leaflet No. 3444
- Reg. v. Inland Revenue Comrs., *Ex parte* Coombs (T.C.) & Co. (1991) 64 T.C. 124, Schiemann J., C.A. and H.L.(E.)
- Reg. v. Inland Revenue Comrs., *Ex parte* Kaye (1992) 65 T.C. 82

- Reg. v. Inland Revenue Comrs., *Ex parte Mattesons Wall's Ltd.* See Reg. v. Inland Revenue Comrs., *Ex parte Unilever Plc.*
- Reg. v. Inland Revenue Comrs., *Ex parte Mead* (1992) 65 T.C. 1
- Reg. v. Inland Revenue Comrs., *Ex parte Unilever Plc.* (1994) T.C. Leaflet No. 3411
- Reg. v. Inspector of Taxes, *Ex parte Bass Holdings Ltd.* (1992) 65 T.C. 495
- Reg. v. Investors Compensation Board, *Ex parte Bowden* [1995] Q.B. 107; [1994] 3 W.L.R. 1045; [1995] 1 All E.R. 214, C.A.; (pet. all.) [1995] 1 W.L.R. 157; [1995] 3 W.L.R. 289; [1995] 3 All E.R. 605, H.L.(E.)
- Reg. v. Investors Compensation Scheme Ltd., *Ex parte Bowden.* See Reg. v. Investors Compensation Board, *Ex parte Bowden*
- Reg. v. Johnson (Aldin) [1995] 2 Cr.App.R. 1, C.A.
- Reg. v. Johnson (Kevin) [1995] 2 Cr.App.R. 41, C.A.
- Reg. v. Johnson (Tony) [1995] R.T.R. 15, C.A.
- Reg. v. Jones (Terence) [1995] Q.B. 235; [1995] 2 W.L.R. 64; [1995] 3 All E.R. 139; [1995] 1 Cr.App.R. 262, C.A.
- Reg. v. Jordan [1995] R.T.R. 201, C.A.
- Reg. v. Keeton [1995] 2 Cr.App.R. 241, C.A.
- Reg. v. Kellard [1995] 2 Cr.App.R. 134, C.A.
- Reg. v. Kemp [1995] 1 Cr.App.R. 151, C.A.
- Reg. v. Khan (Sultan) [1995] Q.B. 27; [1995] 1 Cr.App.R. 242, C.A.
- Reg. v. Kingston [1995] 2 A.C. 355, H.L.(E.)
- Reg. v. Latif [1995] 1 Cr.App.R. 270, C.A.
- Reg. v. Leeds Crown Court, *Ex parte Hussain* [1995] 1 W.L.R. 1329; [1995] 3 All E.R. 527, D.C.
- Reg. v. Liggins. See Reg. v. Gray
- Reg. v. Linekar [1995] Q.B. 250; [1995] 2 W.L.R. 237; [1995] 3 All E.R. 69; [1995] 2 Cr.App.R. 49, C.A.
- Reg. v. Liverpool Crown Court, *Ex parte McCann* [1995] R.T.R. 23, D.C.
- Reg. v. Liverpool Justices, *Ex parte Cummins.* See Reg. v. Cheshire Justices, *Ex parte Sinnott*
- Reg. v. Lynsey [1995] 3 All E.R. 654, C.A.
- Reg. v. McCabe [1995] R.T.R. 197, C.A.
- Reg. v. McGranaghan (Note) [1995] 1 Cr.App.R. 559, C.A.
- Reg. v. McLeod [1995] 1 Cr.App.R. 591, C.A.
- Reg. v. Mahmood (Asaf) [1995] R.T.R. 48, C.A.
- Reg. v. Maidstone Crown Court, *Ex parte Clark* [1995] 1 W.L.R. 831; [1995] 3 All E.R. 513, D.C.
- Reg. v. Maidstone Crown Court, *Ex parte Connell.* See Reg. v. Maidstone Crown Court, *Ex parte Lever*
- Reg. v. Maidstone Crown Court, *Ex parte Hollstein* [1995] 3 All E.R. 503, D.C.
- Reg. v. Maidstone Crown Court, *Ex parte Lever* [1995] 1 W.L.R. 928; [1995] 2 All E.R. 35, C.A.
- Reg. v. Mankuola [1995] 1 W.L.R. 1348; [1995] 3 All E.R. 730, C.A.
- Reg. v. Maltman [1995] 1 Cr.App.R. 239, C.A.
- Reg. v. Mandair [1995] 1 A.C. 208, H.L.(E.)
- Reg. v. Matvey [1995] 2 Cr.App.R. 409, C.A.
- Reg. v. Medway Magistrates' Court, *Ex parte Goddard* [1995] R.T.R. 206, D.C.
- Reg. v. Menard [1995] 1 Cr.App.R. 306, C.A.
- Reg. v. Mickleburgh [1995] 1 Cr.App.R. 297, C.A.
- Reg. v. Mid Glamorgan Family Health Services Authority, *Ex parte Martin* [1995] 1 W.L.R. 110; [1995] 1 All E.R. 356, C.A.
- Reg. v. Ministry of Agriculture, Fisheries and Foods, *Ex parte Hamble (Offshore) Fisheries Ltd.* [1995] 2 All E.R. 714
- Reg. v. Montgomery [1995] 2 All E.R. 28; [1995] 2 Cr.App.R. 23, C.A.
- Reg. v. Moore (Deborah) [1995] Q.B. 353; [1995] 2 W.L.R. 728, C.A.
- Reg. v. Moore (Frank) [1994] R.T.R. 360, C.A.
- Reg. v. Morhall [1995] 3 W.L.R. 330; [1995] 3 All E.R. 659, H.L.(E.)
- Reg. v. Morris [1995] 2 Cr.App.R. 69, C.A.
- Reg. v. Murray [1995] R.T.R. 239, C.A.
- Reg. v. Nevison [1995] R.T.R. 333, C.A.
- Reg. v. Newcastle-under-Lyme Justices, *Ex parte Massey* [1994] 1 W.L.R. 1684; [1995] 1 All E.R. 120, D.C.
- Reg. v. Newham London Borough Council, *Ex parte Dada* [1995] 3 W.L.R. 540; [1995] 2 All E.R. 522; 93 L.G.R. 470, C.A.
- Reg. v. Northavon District Council, *Ex parte Smith* [1994] 2 A.C. 402; [1994] 3 W.L.R. 403; 92 L.G.R. 643, H.L.(E.)
- Reg. v. Northern and Yorkshire Regional Health Authority, *Ex parte Trivedi* [1995] 1 W.L.R. 961
- Reg. v. Northwich Justices, *Ex parte McIlroy.* See Reg. v. Cheshire Justices, *Ex parte Sinnott*

- Reg. v. O'Sullivan [1995] 1 Cr.App.R. 455, C.A.
- Reg. v. Peach. *See* Reg. v. Clare
- Reg. v. Peters (Mark) [1995] 2 Cr.App.R. 77, C.A.
- Reg. v. Pickford [1995] Q.B. 203; [1995] 1 Cr.App.R. 420, C.A.
- Reg. v. Pieterston [1995] 1 W.L.R. 293; [1995] 2 Cr.App.R. 11, C.A.
- Reg. v. Pimm [1994] R.T.R. 391, D.C.
- Reg. v. Queeley. *See* Reg. v. Matthey
- Reg. v. Quinn [1995] 1 Cr.App.R. 480, C.A.
- Reg. v. R. [1995] 1 Cr.App.R. 183, C.A.
- Reg. v. Radio Authority, *Ex parte* Bull [1995] 3 W.L.R. 572; [1995] 4 All E.R. 481, D.C.
- Reg. v. Radio Authority, *Ex parte* Guardian Media Group Plc. [1995] 1 W.L.R. 334; [1995] 2 All E.R. 139
- Reg. v. Radio Authority, *Ex parte* Trans World Communications Plc. *See* Reg. v. Radio Authority, *Ex parte* Guardian Media Group Plc.
- Reg. v. Ragg [1995] 4 All E.R. 155, C.A.
- Reg. v. Rawlings (Practice Note) [1995] 1 W.L.R. 178; [1995] 2 Cr.App.R. 222, C.A.
- Reg. v. Rayner [1995] R.T.R. 119, C.A.
- Reg. v. Registered Designs Appeal Tribunal, *Ex parte* Ford Motor Co. Ltd. [1995] 1 W.L.R. 18; [1995] R.T.R. 68, H.L.(E.)
- Reg. v. Rhuddlan Justices, *Ex parte* Rouski. *See* Reg. v. Cheshire Justices, *Ex parte* Sinnott
- Reg. v. Ricciardi. *See* Reg. v. Cowan
- Reg. v. Riding. *See* Reg. v. Gray
- Reg. v. Rogers (Alan) [1995] 1 Cr.App.R. 374, C.A.
- Reg. v. Rowlands. *See* Reg. v. Gray
- Reg. v. Rugby Borough Council Housing Benefit Review Board, *Ex parte* Harrison. *See* Reg. v. Sheffield City Council Housing Benefit Review Board, *Ex parte* Smith
- Reg. v. Russell-Jones [1995] 3 All E.R. 239; [1995] 1 Cr.App.R. 538, C.A.
- Reg. v. S. [1995] 2 Cr.App.R. 347, C.A.
- Reg. v. Saunders (Dennis) [1995] 2 Cr.App.R. 313, C.A.
- Reg. v. Schofield. *See* Reg. v. Stewart
- Reg. v. Seamans. *See* Reg. v. Webster
- Reg. v. Secretary of State for Employment, *Ex parte* Equal Opportunities Commission [1995] 1 A.C. 1, H.L.(E.)
- Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A.
- Reg. v. Secretary of State for Foreign and Commonwealth Affairs, *Ex parte* World Development Movement Ltd. [1995] 1 W.L.R. 386, D.C.
- Reg. v. Secretary of State for the Environment, *Ex parte* Derbyshire County Council. *See* Reg. v. Secretary of State for the Environment, *Ex parte* Lancashire County Council
- Reg. v. Secretary of State for the Environment, *Ex parte* Kent County Council (1994) 93 L.G.R. 322
- Reg. v. Secretary of State for the Environment, *Ex parte* Lancashire County Council (1994) 93 L.G.R. 29
- Reg. v. Secretary of State for the Home Department, *Ex parte* Bamber. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Chahal [1995] 1 W.L.R. 526; [1995] 1 All E.R. 658, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Chung. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Ku
- Reg. v. Secretary of State for the Home Department, *Ex parte* Davis. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Fire Brigades Union [1995] 2 A.C. 513; [1995] 2 W.L.R. 1; [1995] 1 All E.R. 888, C.A.; [1995] 2 A.C. 513; [1995] 2 W.L.R. 464; [1995] 2 All E.R. 244, H.L.(E.)
- Reg. v. Secretary of State for the Home Department, *Ex parte* H. [1995] Q.B. 43; [1994] 3 W.L.R. 1110, C.A.; (pet. dis.) [1995] 1 W.L.R. 830, H.L.(E.)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey [1995] Q.B. 43; [1994] 3 W.L.R. 1110; (pet. dis.) [1995] 1 W.L.R. 385, H.L.(E.)
- Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2) [1995] 1 W.L.R. 734; [1995] 1 All E.R. 490, D.C.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Ku [1995] Q.B. 364; [1995] 2 W.L.R. 589; [1995] 2 All E.R. 891, C.A.
- Reg. v. Secretary of State for the Home Department, *Ex parte* Kuet. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Ku
- Reg. v. Secretary of State for the Home Department, *Ex parte* McQuillan [1995] 4 All E.R. 400
- Reg. v. Secretary of State for the Home Department, *Ex parte* Malone. *See* Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2)

- Reg. v. Sergeant [1995] R.T.R. 309, C.A.
 Reg. v. Shahzad. *See* Reg. v. Latif
 Reg. v. Sheffield City Council Housing Benefit Review Board, *Ex parte* Smith (1994) 93 L.G.R. 139
 Reg. v. Sherwood [1995] R.T.R. 60, C.A.
 Reg. v. Singleton [1995] 1 Cr.App.R. 431, C.A.
 Reg. v. Slater [1995] 1 Cr.App.R. 584, C.A.
 Reg. v. Smith (Patrick). *See* Reg. v. Williams (Seymore)
 Reg. v. Smithson [1994] 1 W.L.R. 1052; [1995] 1 Cr.App.R. 14, C.A.
 Reg. v. Solihull Metropolitan Borough Council Housing Benefit Review Board, *Ex parte* Simpson (1994) 92 L.G.R. 719, C.A.
 Reg. v. Somerset County Council, *Ex parte* Fewings [1995] 1 All E.R. 513; 92 L.G.R. 674; [1995] 1 W.L.R. 1037; [1995] 3 All E.R. 20, C.A.
 Reg. v. South Hams District Council, *Ex parte* Gibb [1995] Q.B. 158; [1994] 3 W.L.R. 1151; [1994] 4 All E.R. 1012; 93 L.G.R. 59, C.A.
 Reg. v. South Northamptonshire District Council, *Ex parte* Crest Homes Plc. (1994) 93 L.G.R. 205, C.A.
 Reg. v. South Sefton Justices, *Ex parte* Chorley. *See* Reg. v. Cheshire Justices, *Ex parte* Sinnott
 Reg. v. South Worcestershire Justices, *Ex parte* Lilley [1995] 1 W.L.R. 1595, D.C.
 Reg. v. Special Comrs. of Income Tax, *Ex parte* Fina Exploration Ltd. (1991) 64 T.C. 358
 Reg. v. Stewart [1995] 3 All E.R. 159; [1995] 1 Cr.App.R. 441, C.A.
 Reg. v. Straw [1995] 1 All E.R. 187, C.A.
 Reg. v. Taylor (Alan) [1995] 1 Cr.App.R. 131, C.A.
 Reg. v. Tharakan [1995] 2 Cr.App.R. 368, C.A.
 Reg. v. Thornton (Brian) [1995] 1 Cr.App.R. 578, C.A.
 Reg. v. Turner (Paul) [1995] 1 W.L.R. 264; [1995] 3 All E.R. 432; [1995] 2 Cr.App.R. 94, C.A.
 Reg. v. Tosun. *See* Reg. v. Aziz
 Reg. v. Wallington [1995] R.T.R. 112, C.A.
 Reg. v. Wandsworth London Borough Council, *Ex parte* Hawthorne [1994] 1 W.L.R. 1442; [1995] 2 All E.R. 331; 93 L.G.R. 20, C.A.; (pet. dis.) [1995] 1 W.L.R. 31, H.L.(E.)
 Reg. v. Warrington Crown Court, *Ex parte* Herbert. *See* Reg. v. Cheshire Justices, *Ex parte* Cunningham
 Reg. v. Warwick. *See* Reg. v. Webster
 Reg. v. Webster [1995] 2 All E.R. 168; [1995] 1 Cr.App.R. 492, C.A.
 Reg. v. Weerdesteyn [1995] 1 Cr.App.R. 405, C.A.
 Reg. v. Wells [1995] 2 Cr.App.R. 417, C.A.
 Reg. v. Wells Street Magistrates' Court, *Ex parte* King. *See* Reg. v. Bromley Magistrates' Court, *Ex parte* Smith
 Reg. v. Wicks (1995) 93 L.G.R. 377, C.A.
 Reg. v. Williams (Seymore) [1995] 1 Cr.App.R. 74, C.A.
 Reg. v. Wing [1995] R.T.R. 119, C.A.
 Reg. v. Woodward (Terence) [1995] 1 W.L.R. 375; [1995] 3 All E.R. 79; [1995] R.T.R. 130; [1995] 2 Cr.App.R. 388, C.A.
 Reg. v. Wright. *See* Reg. v. Kellard
 Reg. v. Yorganci. *See* Reg. v. Aziz
 Reg. v. Young (Stephen) [1995] Q.B. 324; [1995] 2 W.L.R. 430; [1995] 2 Cr.App.R. 379, C.A.
 Richardson v. Jenkins (1994) T.C. Leaflet No. 3425
 Richardson v. Pitt-Stanley [1995] Q.B. 123; [1995] 2 W.L.R. 26; [1995] I.C.R. 303, C.A.
 Richart and Money v. Bass Holdings Ltd. *See* Reg. v. Inspector of Taxes, *Ex parte* Bass Holdings Ltd.
 Roberts v. Attorney-General of Barbados. *See* Bradshaw v. Attorney-General of Barbados
 Rousby, *Ex parte*. *See* Reg. v. Cheshire Justices, *Ex parte* Sinnott
 Royal Brunei Airlines Sdn. Bhd. v. Tan [1995] 2 A.C. 378; [1995] 3 W.L.R. 64; [1995] 3 All E.R. 97, P.C.
 Ruxley Electronics and Constructions Ltd. v. Forsyth [1995] 3 W.L.R. 118; [1995] 3 All E.R. 268, H.L.(E.)
- S. (A Minor) (Adoption Order: Conditions), *In re* [1995] 2 All E.R. 122, C.A.
 S. (A Minor) v. Special Educational Needs Tribunal [1995] 1 W.L.R. 1627
 S. (Hospital Patient: Court's Jurisdiction), *In re* [1995] Fam. 26; [1995] 2 W.L.R. 38; [1995] 3 W.L.R. 78; [1995] 3 All E.R. 290, C.A.
 S. (Hospital Patient: Foreign Curator), *In re* [1995] 3 W.L.R. 596; [1995] 4 All E.R. 30
 S.-L. (Restraint Order: External Confiscation Order), *In re* [1995] 3 W.L.R. 830, C.A.
 Sainsbury (J.) Plc. v. O'Connor (1991) 64 T.C. 208, Millett J. and C.A.
 St. Edmund's Churchyard, Gateshead, *In re* [1995] Ch. 172; [1995] 3 W.L.R. 253; [1995] 4 All E.R. 103
 St. John the Evangelist, Chopwell, *In re* [1995] Fam. 254; [1995] 3 W.L.R. 606

- St. John's with Holy Trinity, Deptford, *In re* [1995] 1 W.L.R. 721
- St. Luke the Evangelist, Maidstone, *In re* [1995] Fam. 1; [1994] 3 W.L.R. 1165; [1995] 1 All E.R. 321
- St. Martins Property Investment Ltd. v. Philips Electronics (U.K.) Ltd. [1995] Ch. 73; [1994] 3 W.L.R. 1074; [1995] 1 All E.R. 378
- St. Michael and All Angels, Tettenhall Regis, *In re* [1995] Fam. 179; [1995] 3 W.L.R. 299
- St. Paul Fire & Marine Insurance Co. (U.K.) Ltd. v. McConnell Dowell Constructors Ltd. [1995] 2 Lloyd's Rep. 116, C.A.
- St. Thomas, Pennywell, *In re* [1995] Fam. 50; [1995] 2 W.L.R. 154; [1995] 4 All E.R. 167
- Sampson v. Wilson [1995] 3 W.L.R. 455, C.A.
- San Nicolas, The [1994] 2 Lloyd's Rep. 582
- Sankar v. State of Trinidad and Tobago [1995] 1 W.L.R. 194; [1995] 1 All E.R. 236, P.C.
- Santa Clara, The. *See* Vitol S.A. v. Norelf Ltd.
- Santa Cruz Tres, The. *See* Schumacher (trading as Vita Konzern) v. Laurel Island Ltd.
- Sargent v. Customs and Excise Comrs. [1995] 1 W.L.R. 821, C.A.
- Sava Star, The [1995] 2 Lloyd's Rep. 134
- Savacentre Ltd. v. Inland Revenue Comrs. (1995) T.C. Leaflet No. 3446, C.A.
- Savill v. Southend Health Authority [1995] 1 W.L.R. 1254, C.A.
- Schelde Delta Shipping B.V. v. Astarte Shipping Ltd. [1995] 2 Lloyd's Rep. 249
- Schmidt, *In re* [1995] 1 A.C. 339, D.C. and H.L.(E.)
- Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Keil und Cronshagen (Case C-392/92) [1995] I.C.R. 237, E.C.J.
- Schumacher (trading as Vita Konzern) v. Laurel Island Ltd. [1995] 1 Lloyd's Rep. 208
- Scott v. Westminster City Council [1995] R.T.R. 327; 93 L.G.R. 370, C.A.
- Secretary of State for the Environment v. Euston Centre Investments Ltd. [1995] Ch. 200; [1994] 3 W.L.R. 1081; [1995] 1 All E.R. 269, C.A.
- Secretary of State for the Home Department v. Robb [1995] Fam. 127; [1995] 2 W.L.R. 722; [1995] 1 All E.R. 677
- Segelman, decd. [1995] 3 All E.R. 676
- Selectmove Ltd., *In re* [1995] 1 W.L.R. 474; [1995] 2 All E.R. 531; T.C. Leaflet No. 3435, C.A.
- Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd. [1995] 2 Lloyd's Rep. 44
- Setiya v. East Yorkshire Health Authority [1995] I.C.R. 799, E.A.T.
- Sheffield Development Corpn. v. Glossop Sectional Buildings Ltd. [1994] 1 W.L.R. 1676; 93 L.G.R. 76, C.A.
- Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd. [1995] 2 W.L.R. 570; [1995] 2 All E.R. 558; [1995] 2 Lloyd's Rep. 197, H.L.(E.)
- Shell Chemicals U.K. Ltd. v. P. & O. Roadtanks Ltd. [1995] 1 Lloyd's Rep. 297, C.A.
- Shepherd v. Law Land Plc. (1990) 63 T.C. 692
- Shevill v. Press Alliance S.A. (Case C-68/93) [1995] 2 A.C. 18; [1995] 2 W.L.R. 499, E.C.J.
- Shilton v. Wilmshurst (1991) 64 T.C. 78, C.A. and H.L.(E.)
- Showlag v. Mansour [1995] 1 A.C. 431, P.C.
- Simpson, *Ex parte*. *See* Reg. v. Solihull Metropolitan Borough Council Housing Benefit Review Board, *Ex parte* Simpson
- Sinclair Gardens Investments (Kensington) Ltd. v. Walsh. *See* Escalus Properties Ltd. v. Robinson
- Sinclair v. Inland Revenue Comrs. (1992) 65 T.C. 94
- Sinnott, *Ex parte*. *See* Reg. v. Cheshire Justices, *Ex parte* Sinnott
- Small v. Director of Public Prosecutions [1995] R.T.R. 95, D.C.
- Smith, *Ex parte*. *See* Reg. v. Bromley Magistrates' Court, *Ex parte* Smith
- Smith, *Ex parte*. *See* Reg. v. Northavon District Council, *Ex parte* Smith
- Smith, *Ex parte*. *See* Reg. v. Sheffield City Council Housing Benefit Review Board, *Ex parte* Smith
- Smith v. Avdel Systems Ltd. (Case C-408/92) [1995] I.C.R. 596, E.C.J.
- Smith v. Linskills (a firm) [1995] 3 All E.R. 226
- Smith v. Safeway Plc. [1995] I.C.R. 472, E.A.T.
- Smith New Court Securities Ltd. v. Scrimgeour Vickers (Asset Management) Ltd. (pet. all.) [1995] 1 W.L.R. 30, H.L.(E.)
- Société Commerciale de Réassurance v. Eras International Ltd. (No. 2) [1995] 2 All E.R. 278; [1995] 1 Lloyd's Rep. 64
- Solicitors, *In re* A Firm of [1995] 3 All E.R. 482
- Sonn & Co., *Ex parte*. *See* Reg. v. Highbury Corner Magistrates' Court, *Ex parte* Sonn & Co.
- Sotnick v. Inland Revenue Comrs. *See* Moodie v. Inland Revenue Comrs.
- South Durham Health Authority v. Unison [1995] I.C.R. 495, E.A.T.
- South Tyneside Metropolitan Borough Council v. Svenska International Plc. [1995] 1 All E.R. 545
- Spring v. Guardian Assurance Plc. [1995] 2 A.C. 296, H.L.(E.)
- Standard Bank London Ltd. v. The Bank of Tokyo Ltd. [1995] 1 Lloyd's Rep. 169
- Standard Chartered Bank v. Pakistan National Shipping Corpn. [1995] 2 Lloyd's Rep. 365

- Stapylton Fletcher Ltd., *In re* [1994] 1 W.L.R. 1181; [1995] 1 All E.R. 192
- Star Sea, The. *See* Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd.
- Starke v. Inland Revenue Comrs. [1995] 1 W.L.R. 1439, C.A.
- Steele v. European Vinyls Corp'n. (Holdings) B.V. (1994) T.C. Leaflet No. 3423
- Stein v. Blake [1995] 2 W.L.R. 710; [1995] 2 All E.R. 961, H.L.(E.)
- Stinton v. Stinton [1995] R.T.R. 167, C.A.
- Stoll v. High Wycombe General Comrs. (No. 2) (1994) T.C. Leaflet No. 3424
- Stolt Loyalty, The [1995] 1 Lloyd's Rep. 598, C.A.
- Stone & Temple Ltd. v. Waters (1994) T.C. Leaflet No. 3416
- Subro Valour, The [1995] 1 Lloyd's Rep. 509
- Sudwestdeutsche Landesbank Girozentrale v. The Bank of Tokyo Ltd. *See* Standard Bank London Ltd. v. The Bank of Tokyo Ltd.
- Supply of Ready Mixed Concrete (No. 2), *In re* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25; [1995] 1 All E.R. 135, H.L.(E.)
- Sunderland, *Ex parte*. *See* Reg. v. Chief Constable of Nottinghamshire Constabulary, *Ex parte* Sunderland
- Surf City, The [1995] 2 Lloyd's Rep. 242
- Sutton London Borough Council v. Davis [1994] Fam. 241; [1994] 2 W.L.R. 721; [1995] 1 All E.R. 53; 92 L.G.R. 732
- Sutton London Borough Council v. Davis (No. 2) [1994] 1 W.L.R. 1317; [1995] 1 All E.R. 65; 92 L.G.R. 746
- Svenska Handelsbanken v. Sun Alliance and London Insurance Plc. [1995] 2 Lloyd's Rep. 84
- Swires v. Renton (1991) 64 T.C. 315
- Swiss Bank Corp'n. v. Novorossiysk Shipping Co. [1995] 1 Lloyd's Rep. 202
- T. v. Secretary of State for the Home Department [1995] 1 W.L.R. 545; [1995] 2 All E.R. 1042, C.A.
- T. (A Minor) v. Surrey County Council [1994] 4 All E.R. 577
- T. (Minors) (Adopted Children: Contact), *In re* [1995] 3 W.L.R. 793, C.A.
- T.S.B. Bank Plc. v. Camfield [1995] 1 W.L.R. 430; [1995] 1 All E.R. 951, C.A.
- Talbot v. Cadge. *See* Powdrill v. Watson
- Talbot v. Grundy. *See* Powdrill v. Watson
- Target Holdings Ltd. v. Redferns (a firm) [1995] 3 W.L.R. 352; [1995] 3 All E.R. 785, H.L.(E.)
- Taylor v. Anderton (Police Complaints Authority Intervening) [1995] 1 W.L.R. 447; [1995] 2 All E.R. 420, C.A.
- Ten Oever v. Stichting Bedrijfspensioenfonds voor het Glazenwassers- en Schoonmaakbedrijf (Case C-109/91) [1995] I.C.R. 74, E.C.J.
- Tesco Stores Ltd. v. Secretary of State for the Environment [1995] 1 W.L.R. 759; [1995] 2 All E.R. 636; 93 L.G.R. 403, H.L.(E.)
- Tharros Shipping Co. Ltd. v. Bias Shipping Ltd. (No. 3) [1995] 1 Lloyd's Rep. 541
- Themehelp Ltd. v. West [1995] 3 W.L.R. 751; [1995] 4 All E.R. 215, C.A.
- Thomas v. Countryside Council for Wales [1994] 4 All E.R. 853
- Three Rivers District Council v. Governor and Company of the Bank of England [1995] 3 W.L.R. 650; [1995] 4 All E.R. 312, C.A.
- Thulin, *In re* [1995] 1 W.L.R. 165
- Toledo, The [1995] 1 Lloyd's Rep. 40
- Toomey v. Eagle Star Insurance Co. Ltd. (No. 2) [1995] 2 Lloyd's Rep. 88
- Torvald Klaveness A/S v. Arni Maritime Corp'n. [1994] 1 W.L.R. 1465; [1994] 4 All E.R. 998; [1995] 1 Lloyd's Rep. 1, H.L.(E.)
- Townreach Ltd. (No. 2486190), *In re* [1995] Ch. 28
- Trade Indemnity Plc. v. Försäkringsaktiebolaget Njord (in liquidation) [1995] 1 All E.R. 796
- Trafalgar House Construction (Regions) v. General Surety & Guarantee Co. Ltd. [1995] 3 W.L.R. 204; [1995] 3 All E.R. 737, H.L.(E.)
- Trans World Communications Plc., *Ex parte*. *See* Reg. v. Radio Authority, *Ex parte* Guardian Media Group Plc.
- Transcatalana de Comercio S.A. v. Incobrasa Industrial e Commercial Brasileira S.A. [1995] 1 Lloyd's Rep. 215
- Triad Shipping Co. v. Stellar Chartering & Brokerage Inc. [1995] 1 All E.R. 595, C.A.
- Tribe v. Tribe [1995] 3 W.L.R. 913, C.A.
- Trivedi, *Ex parte*. *See* Reg. v. Northern and Yorkshire Regional Health Authority, *Ex parte* Trivedi
- Twinsectra Ltd. v. Highbury General Comrs. *See* Delapage Ltd. v. Highbury General Comrs.
- U.K. Waste Control Ltd. v. Wren [1995] I.C.R. 974, E.A.T.
- Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note) [1995] 1 W.L.R. 243; [1995] 4 All E.R. 598, C.A.
- Unilever Plc., *Ex parte*. *See* Reg. v. Inland Revenue Comrs., *Ex parte* Unilever Plc.

- United Arab Emirates v. Abdelghafar [1995] I.C.R. 65, E.A.T.
- United Bank of Kuwait Plc. v. Prudential Property Services Ltd. *See* Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.
- United Bank of Kuwait Plc. v. Sahib [1995] 2 W.L.R. 94; [1995] 2 All E.R. 973
- United Carriers Ltd. v. Heritage Food Group (U.K.) Ltd. [1995] 4 All E.R. 95; [1995] 2 Lloyd's Rep. 269
- Van den Akker v. Stichting Shell Pensionenfonds (Case C-28/93). *See* Smith v. Avdel Systems Ltd. (Case C-408/92)
- Vernon, *Ex parte*. *See* Reg. v. Cheshire Justices, *Ex parte* Sinnott
- Viho Europe B.V. v. Commission of the European Communities (Case T-102/92) [1995] I.C.R. 1050, C.F.I.
- Vitol S.A. v. Norelf Ltd. [1995] 3 W.L.R. 549; [1995] 3 All E.R. 971; [1995] 2 Lloyd's Rep. 128, C.A.
- Vodafone Cellular Ltd. v. Shaw (1995) T.C. Leaflet No. 3431
- Vroege v. NCIV Instituut voor Volkshuisvesting B.V. (Case C-57/93) [1995] I.C.R. 635, E.C.J.
- W. (A Minor) (Adoption: Mother Under Disability), *In re* [1995] Fam. 120; [1995] 2 W.L.R. 458; [1995] 4 All E.R. 282
- Wain's Executors v. Cameron (1995) T.C. Leaflet No. 3434
- Walker v. Northumberland County Council [1995] I.C.R. 702
- Wang v. Comr. of Inland Revenue [1994] 1 W.L.R. 1286; [1995] 1 All E.R. 367, P.C.
- Walkin v. South Manchester Health Authority [1995] 1 W.L.R. 1543; [1995] 4 All E.R. 132, C.A.
- Waters v. Commissioner of Police of the Metropolis [1995] I.C.R. 510, E.A.T.
- Waverley Borough Council v. Fletcher [1995] 3 W.L.R. 772, C.A.
- Waverley Borough Council v. Marney (1994) 93 L.G.R. 86, C.A.
- Waylee Investment Ltd. v. Inland Revenue Comr. (1990) 63 T.C. 684, P.C.
- Weatherhill v. Pearce [1995] 1 W.L.R. 592; [1995] 2 All E.R. 492
- Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1995] 1 W.L.R. 1454; [1995] I.C.R. 1021; [1995] 4 All E.R. 577, H.L.(E.)
- Webster v. Ellison Circlips Group Ltd. [1995] 1 W.L.R. 1447; [1995] 4 All E.R. 556, C.A.
- Wenman, *Ex parte*. *See* Reg. v. Horsham District Council, *Ex parte* Wenman
- West of England Shipowners Mutual Insurance Association (Luxembourg) v. Cristal Ltd. [1995] 1 Lloyd's Rep. 560
- West Wiltshire District Council v. Garland (Cond. Third Party) [1995] Ch. 297; [1995] 2 W.L.R. 439; [1995] 2 All E.R. 17; 93 L.G.R. 235, C.A.
- Westland Helicopters Ltd. v. Arab Organisation for Industrialisation [1995] Q.B. 282; [1995] 2 W.L.R. 126; [1995] 2 All E.R. 387; [1994] 2 Lloyd's Rep. 608
- Westminster (Duke of) v. Birrane [1995] Q.B. 262; [1995] 2 W.L.R. 270; [1995] 3 All E.R. 416, C.A.; (pet. dis.) [1995] 1 W.L.R. 648, H.L.(E.)
- Wheeler v. J.J. Saunders Ltd. [1995] 3 W.L.R. 466; [1995] 2 All E.R. 697, C.A.
- Whelehan v. Director of Public Prosecutions [1995] R.T.R. 177, D.C.
- Whiston v. Whiston [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A.
- White v. Director of Public Prosecutions. *See* Reg. v. Cheshire Justices, *Ex parte* Cunningham
- White v. Jones [1995] 2 A.C. 207; [1995] 2 W.L.R. 187; [1995] 1 All E.R. 691, H.L.(E.)
- Whitehouse v. Ellam (1995) T.C. Leaflet No. 3433
- Whittles v. Uniholdings Ltd. (No. 2) (1994) T.C. Leaflet No. 3427
- Wilcox v. Eve (1994) T.C. Leaflet No. 3420
- Wiley, *Ex parte*. *See* Reg. v. Chief Constable of West Midlands Police, *Ex parte* Wiley.
- Williams v. Director of Public Prosecutions. *See* Ogburn v. Director of Public Prosecutions
- Williams (C.O.) Construction Ltd. v. Blackman [1995] 1 W.L.R. 102, P.C.
- Wilson v. Law Debenture Trust Corp'n. Ltd. [1995] 2 All E.R. 337
- Wimalasundera v. Director of Public Prosecutions. *See* Reg. v. Cheshire Justices, *Ex parte* Cunningham
- Winter v. Irish Life Assurance Plc. [1995] 2 Lloyd's Rep. 274
- Woking Borough Council v. British Home Stores Plc. (1994) 93 L.G.R. 396, D.C.
- Woodard v. Woodard [1992] R.T.R. 35; [1995] 3 All E.R. 980, C.A.
- Woollen v. Inland Revenue Comrs. (1992) 65 T.C. 219
- Woolwich Equitable Building Society v. Inland Revenue Comrs. (1992) 65 T.C. 265, Nolan J., C.A. and H.L.(E.)
- Woolley, *Ex parte*. *See* Reg. v. Burton-upon-Trent Justices, *Ex parte* Woolley
- World Development Movement Ltd. *See* Reg. v. Secretary of State for Foreign and Commonwealth Affairs, *Ex parte* World Development Movement Ltd.
- Wright v. Field (1990) 63 T.C. 707
- Wynne v. Liverpool City Council. *See* Joyce v. Liverpool City Council

- X (A Minor) (Adoption Details: Disclosure) [1994] Fam. 174; [1993] 3 W.L.R. 327; 92 L.G.R. 656
- X (Minors) v. Bedfordshire County Council [1995] 2 A.C. 633; [1994] 2 W.L.R. 554; [1994] 4 All E.R. 602, C.A.; [1995] 2 A.C. 633; [1995] 3 W.L.R. 152; [1995] 3 All E.R. 353, H.L.(E.)
- Xing Su Hai, The. *See* Qingdao Ocean Shipping Co. v. Grace Shipping Establishment
- Y Mariner, The. *See* Angelic Spirit, The
- Yasuda Fire & Marine Insurance Co. of Europe Ltd. v. Orion Marine Insurance Underwriting Agency Ltd. [1995] Q.B. 174; [1995] 2 W.L.R. 49; [1995] 3 All E.R. 211; [1995] 1 Lloyd's Rep. 525
- Yates v. GCA International Ltd. (1991) 64 T.C. 37, C.A.
- Yip Chiu-Cheung v. The Queen [1995] 1 A.C. 111, P.C.
- Yolaine, The. *See* Ley v. Delaissé
- Z.Y.X. Music G.m.b.H. v. King [1995] 3 All E.R. 1
- Zaidi v. Financial Intermediaries Managers and Brokers Regulatory Association [1995] I.C.R. 876, E.A.T.
- Zeeland Navigation Co. Ltd. v. Banque Worms [1995] 1 Lloyd's Rep. 251
-

SUBJECT MATTER

ADMIRALTY

Arrest of ship

Bail bond

Defendants domiciled in contracting state—Præcipe for caveat against arrest issued—Vessel arrested but released immediately—Bail bond given—Whether vessel arrested to secure maritime claim—Whether arrest within meaning of Arrest Convention—Whether præcipe and bail bond submission to jurisdiction—Civil Jurisdiction and Judgments Act 1982, s. 26, Sch. 1, arts. 2, 57—International Convention Relating to the Arrest of Sea-Going Ships (the Arrest Convention) 1952, art. 7 **The Anna H**, C.A. [1995] 1 Lloyd's Rep. 11

Recall of arrestment

Pursuers arresting defenders' vessel at Lerwick for non-payment of agency dues—Pursuers arresting second vessel at Ullapool—Whether defenders owners of second vessel—Whether pursuers entitled to arrest second vessel—Whether arrestment to be recalled

Interatlantic (Namibia) (Pty.) Ltd. v. Okeanski Ribolov Ltd.,
Court of Session [1995] 2 Lloyd's Rep. 286

Whether sister ship

Damage to cargo—Plaintiff arresting vessel and alleging damage to cargo carried on five other vessels—Whether vessels sister ships—Federal Court Act, s. 43(8)

The Looiersgracht, Canada Federal Court [1995] 2 Lloyd's Rep. 411

Plaintiffs alleging breach of contract—Whether claim arising out of agreement relating to carriage of goods or use of identified vessel—Whether plaintiffs entitled to arrest vessel on sister ship basis—Whether claim for disbursements arising in connection with particular vessel—Whether court having jurisdiction—Supreme Court Act 1981, s. 20(2)(h)(p)

The Lloyd Pacifico, Clarke J. [1995] 1 Lloyd's Rep. 54

Practice

Writ

Extension of time application—Collision between two vessels—Negotiations between P. and I. clubs—Plaintiffs obtaining extension of six months—Writ issued out of time—Whether application for further extension of time to be granted

The Al Tabith and Alanfushi, C.A. [1995] 2 Lloyd's Rep. 336

Salvage

Award

Assessment—Defendant's vessel in difficulties off Porlock Weir—Plaintiffs rendering salvage assistance—Salved value of vessel—Amount of award to salvors

Ley v. Delaissé, Clarke J. [1995] 2 Lloyd's Rep. 7

Assessment—Salvage services rendered to vessel—Contractor's claim for remuneration and special compensation referred to arbitrator—Meaning of "fair rate"—Period for which salvors entitled to special compensation—Whether award to be set aside—Whether award on costs of arbitration open to challenge—Merchant Shipping (Salvage and Pollution) Act 1994, s. 1, Sch. 1, arts. 13, 14

Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.,
Clarke J. [1995] 2 Lloyd's Rep. 44

Remuneration

Cargo owners' claim—Carriage of cargo of fertilizer—Cargo beginning to decompose—Cargo owners rendering salvage assistance—Cargo and vessel salved—Whether cargo owners entitled to salvage remuneration

The Sava Star, Clarke J. [1995] 2 Lloyd's Rep. 134

ADOPTION

Adoption order

Application to set aside

Mistaken belief of Jewish adoptive parents that adopted child Jewish—Application by adopted child in adulthood to set aside order—Whether order to be set aside

In re B. (Adoption: Jurisdiction to Set Aside), C.A. [1995] Fam. 239; [1995] 3 W.L.R. 40

ADOPTION—continued**Adoption order—continued**
Arrangements for adoption

Mother under disability—Third party making arrangements on mother's behalf with approved adoption agency for placement of child—Whether arrangements lawful—Whether adoption to be arranged by way of care order—Adoption Act 1976, ss. 11(1), 72(3)

In re W. (A Minor) (Adoption: Mother under Disability),
Wall J. [1995] Fam. 120; [1995] 2 W.L.R. 458

Terms and conditions

Prospective adopters being Jehovah's Witnesses opposed to blood transfusions—Granting of adoption order in child's best interest—Whether appropriate to attach condition requiring adopters not to withhold consent to blood transfusion for child without application to court—Adoption Act 1976, s. 12(6)

In re S. (A Minor) (Adoption Order), C.A. [1995] 2 All E.R. 122

Adoption proceedings*Guardian ad litem's report*

Application by mother for disclosure—Whether report presumed to be confidential—Whether onus on party seeking disclosure to show good reason—Whether guardian wrong to promise child confidentiality—Adoption Rules 1984, r. 53(2)

In re D. (Minors) (Adoption Reports: Confidentiality), C.A. [1995] 1 W.L.R. 356
H.L.(E.) [1995] 3 W.L.R. 483

AGENCY**Agency agreement***Underwriting agent*

Agency contract entitling principal to inspect documents and computer databases relating to transactions entered into by agents—Termination of agency contract—Agents' refusal to permit inspection or copying of documents—Whether inherent right to inspect apart from contract—Whether principal's right of inspection, or copying surviving termination of contract *Yasuda Fire & Marine Insurance Co. of Europe Ltd. v. Orion Marine Insurance Underwriting Agency Ltd.*, Colman J. [1995] Q.B. 174; [1995] 2 W.L.R. 49

AGRICULTURAL HOLDING**Notice to quit***Validity*

Tenant subletting holding in breach of covenant—Landlord issuing notice to quit—Whether landlord entitled to possession against subtenant—Whether landlord materially prejudiced by tenant's breach of covenant—Whether landlord's notice to quit effective without consent of agricultural land tribunal—Agricultural Holdings Act 1986, s. 26(2), Sch. 3, Part I, Case E *Pennell v. Payne*, C.A. [1995] Q.B. 192; [1995] 2 W.L.R. 261

AIRCRAFT**Carriage by air***Limitation of liability*

Carrier losing consignment of diamonds in transit—Owner suing for value of diamonds—Carrier relying on special declaration of value by owner—Whether "limit of liability"—Whether liability of carrier limited to stated value if loss due to carrier's wilful misconduct—Carriage by Air Act 1961, Sch. 1, arts. 22(2)(a), 25

Antwerp United Diamond B.V.B.A. v. Air Europe, C.A. [1995] 3 W.L.R. 396

ANIMAL**Transport of***Welfare*

Calves transported by defendant after travelling from market—Journey in United Kingdom only exceeding 15 hours if commencing at market—Calves not provided with water, food and rest—Whether "journey" commencing prior to collection by defendant—Whether defendant in breach of duty to ensure calves provided with water, food and rest—Animal Health Act 1981, s. 73(a)—Welfare of Animals during Transport Order 1992, art. 4(1)(b)—Council Directive (91/628/E.E.C.), art. 2

Ken Lane Transport Ltd. v. North Yorkshire County Council,
D.C. [1995] 1 W.L.R. 1416

ARBITRATION**Arbitration clause in contract***Validity*

Contract for development, sale and export of crude oil—Clause in contract that "Arbitration, if any, by I.C.C. rules in London"—Whether binding arbitration clause—Whether contract to be rectified *Mangistaumunaigaz Oil Production Association v. United World Trade Inc.*,
Potter J. [1995] 1 Lloyd's Rep. 617

ARBITRATION—continued

Arbitrator

Appointment

Agreement providing for reference of disputes to arbitrators—Whether reference to be to three arbitrators—Whether appointment of third arbitrator valid—Whether umpire to be allowed to attend hearing if plaintiffs not consenting

Fletamentos Maritimos S.A. v. Effjohn International B.V.,
Tuckey J. [1995] 1 Lloyd's Rep. 311

Collision between plaintiffs' vessel and another—P. and I. club insuring plaintiffs' vessel for one fourth of collision liability—Running down clause—Claim against club—Whether parties agreeing to arbitrate—Allegations of inordinate and inexcusable delay in prosecuting arbitration—Whether application to appoint arbitrator to be granted

Frota Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd., Longmore J. [1995] 2 Lloyd's Rep. 254

Award

Appeal

Appeal from High Court to Court of Appeal—Whether respondent entitled to raise uncertified issue to show that appeal should be dismissed—Arbitration Act 1979, s. 1(7)

Vitol S.A. v. Norelf Ltd., C.A. [1995] 3 W.L.R. 549

Application for leave to appeal

Sellers alleging award on loss not supported by specific reason and obviously wrong—Whether sellers entitled to leave to appeal

Ceval Alimentos S.A. v. Argimpex Trading Co. Ltd., Mance J. [1995] 2 Lloyd's Rep. 380

Application to set aside

Dispute between owners and charterers—Owners referring claim to arbitration—Communication between owners' solicitors and charterers' agent—Arbitrator making award—Whether charterers receiving actual notice of relevant stages in purported arbitration—Whether award binding on charterers—Whether award to be set aside

Schumacher (trading as Vita Konzern) v. Laurel Island Ltd.,
Mance J. [1995] 1 Lloyd's Rep. 208

Misconduct or error of law in conduct of arbitration—Buyers failing to disclose actual role with ultimate receiver—Board of Appeal refusing to order any relevant disclosure—Whether award to be remitted or set aside

Ceval Alimentos S.A. v. Agrimpex Trading Co. Ltd.,
Mance J. [1995] 2 Lloyd's Rep. 380

Enforcement

New York Convention award in plaintiffs' favour—Defendants granted stay of execution on order granting leave to enforce award—Application for removal of stay—Whether court having jurisdiction to grant stay of enforcement of Convention award—Arbitration Act 1950, s. 26—Arbitration Act, 1975, ss. 3, 5

Far Eastern Shipping Co. v. A.K.P. Sovcomflot, Potter J. [1995] 1 Lloyd's Rep. 520

Reasons for award

Further reasons—Arbitrators holding buyers' right to reject goods and documents lost—Whether arbitrators' conclusion justified—Whether buyers waiving contractual right to insist on goods being loaded at INCOBRASA terminal—Whether estopped from relying on such loading as breach of contract—Whether application to remit for further reasons to be granted

Transcatalana de Comercio S.A. v. Incobrasa Industrial e Commercial Brasileira S.A.,
Mance J. [1995] 1 Lloyd's Rep. 215

Costs

Award

Sellers ordered to pay legal costs—Whether rules precluding any award on legal costs—Whether sellers entitled to leave to appeal—GAFTA Arbitration Rules, s. 125, para. 10

Ceval Alimentos S.A. v. Agrimpex Trading Co. Ltd.,
Mance J. [1995] 2 Lloyd's Rep. 380

Security for costs

Claim and counterclaim under charterparty—Plaintiffs obtaining order for security for costs and stay of counterclaim—Defendants failing to put up security—Whether order to be set aside—Whether stay to be made permanent—Whether plaintiffs entitled to injunctions against defendants

Petromin S.A. v. Secnav Marine Ltd., Colman J. [1995] 1 Lloyd's Rep. 603

ARBITRATION—continued**Delay***Dismissal of claim*

Claimant's delay in pursuit of claim—Limitation period not yet expired—Whether arbitrator having power to strike out claim for want of prosecution—Whether exceptional circumstances justifying striking out—Arbitration Act 1950, s. 13A (as inserted by Courts and Legal Services Act 1990, s. 102)

James Lazenby & Co. v. McNicholas Construction Co. Ltd.,
Rix J. [1995] 1 W.L.R. 615

Notice*Validity*

Homes built by plaintiffs for defendants—Defendants selling to housing association—Housing association alleging defects in houses—Defendants serving notice of arbitration on plaintiffs—Whether dispute or difference between plaintiffs and defendants—Whether arbitration notice valid

Cruden Construction Ltd. v. Commission for the New Towns,
Judge Gilliland Q.C. [1995] 2 Lloyd's Rep. 387

ARREST**Arrestable offence***Suspicion of possession of cannabis*

Police officers attempting to arrest suspect for possession of cannabis—Violent struggle—Suspect arrested by police officer for obstruction—Defendant assisting suspect arrested for wilful obstruction of police officer in execution of duty—Whether power to arrest defendant—Police and Criminal Evidence Act 1984, s. 25(3)

Edwards v. Director of Public Prosecutions, D.C. (1993) 97 Cr.App.R. 301

BAHAMAS, THE**Constitution***Fundamental rights and freedoms*

Appointment of commission of inquiry—Ambit of inquiry—Validity of appointment and terms of reference—Commission summoning plaintiff to give evidence—Whether commission's powers to compel witnesses and production of documents valid—Whether plaintiff's constitutional rights infringed—Bahamas Independence Order 1973, Sch., arts. 15(a), 20(7), 21—Commissions of Inquiry Act 1911, ss. 2, 10(1)(a)(b), 11(2)—Criminal Procedure Code, s. 3—Evidence Act, s. 131

Bethel v. Douglas, P.C. [1995] 1 W.L.R. 794

Sentence of death for murder—Whether mandatory—Whether execution of death sentence by hanging authorised by law—Whether sentences lawfully imposed—Offences against the Person Act 1865, ss. 1, II—Bahamas Independence Order 1973, Sch., arts. 15, 16(1), 17, 28(1)(2)(a)—Declaratory Act, s. 2—Penal Code, ss. 10(6), 312—Capital Punishment Procedure Act, ss. 2, 3, 4, 5

Jones v. Attorney-General of the Commonwealth of the Bahamas,
P.C. [1995] 1 W.L.R. 891

Crime*Sentence of death*

Issue of warrant for execution—Application for constitutional redress—Whether stay of execution to be granted—The Bahamas Independence Order 1973, Sch., arts. 17(1), 28(1), 92(1)

Reckley v. Minister of Public Safety and Immigration,
P.C. [1995] 2 A.C. 491; [1995] 3 W.L.R. 390

Damages*Trespass see DAMAGES***Practice***Constitutional application*

Application heard by Chief Justice sitting alone—Whether lawful—Supreme Court Act, s. 29(3)—Supreme Court (Special Jurisdiction) Rules 1976, rr. 2, 3(c)

Bethel v. Douglas, P.C. [1995] 1 W.L.R. 794

BANKING**Guarantee***Duty of disclosure to surety*

Treasury stock provided as security for short term loan—Debtors telling sureties stock would be returned unencumbered before maturity—Loan granted by bank for fixed period to stock maturity date—Loan agreement stipulating proceeds of stock to be used for repayment—Surety unaware of terms of agreement—Whether bank under duty to make disclosure to sureties—Whether bank liable to repay proceeds of stock

Levett v. Barclays Bank Plc., Michael Burton Q.C. [1995] 1 W.L.R. 1260

BANKING—continued
Guarantee, letter of
Construction

Shipbuilding contract—Default in payment of instalments—Defendants making payments—Whether payments discharging defendants' liability under guarantee

Astilleros Españoles S.A. v. Bank of America National Trust and Savings Association,
 C.A. [1995] 2 Lloyd's Rep. 352

Letter of credit

Injunction to restrain beneficiary

Plaintiffs opening letters of credit in favour of defendants—Plaintiffs alleging fraud by defendants—Whether interlocutory injunction restraining defendants drawing on letters of credit to be granted

Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.,
 Phillips J. [1995] 1 W.L.R. 1017

Payment

Bills of exchange expressed to be payable to plaintiffs—Defendants effecting payment to "beneficiaries" of bills of exchange—Whether defendants in breach of contract to collect proceeds on behalf of plaintiffs—Whether suitable case for summary judgment—Whether action to be heard in Nigeria as more convenient forum

Minories Finance Ltd. v. Afribank Nigeria Ltd., Longmore J. [1995] 1 Lloyd's Rep. 134

Proper law

Claims under letters of credit issued by Bangladeshi bank and confirmed by Hong Kong bank—Action brought in England—Whether proper law of letters of credit Bangladeshi law—Whether Bangladeshi courts more appropriate forum—Whether English action to be stayed

Bank of Credit & Commerce Hong Kong Ltd. v. Sonali Bank,
 Cresswell J. [1995] 1 Lloyd's Rep. 227

Shipping documents forged

Letter of credit opened in respect of shipment of cargo of steel—Underlying transactions fictitious—Money paid away on customer's instructions—Whether plaintiffs able to recover losses from defendants as money paid under mistake of fact—Whether defendants constructive trustees knowingly assisting in breach of trust—Whether plaintiffs entitled to damages for deceit

Bank Tejarat v. Hong Kong and Shanghai Banking Corpn. (C.I.) Ltd.,
 Tuckey J. [1995] 1 Lloyd's Rep. 239

Tested telexes

Fraudulent tested telexes sent to beneficiaries—Whether telexes sent with actual or apparent authority of sender—Whether beneficiaries entitled to rely on telexes as genuine—Whether underlying transaction should have been investigated—Whether conforming documents presented under letters of credit—Whether beneficiaries entitled to damages

Standard Bank London Ltd. v. The Bank of Tokyo Ltd.,
 Waller J. [1995] 2 Lloyd's Rep. 169

Legal charge

Husband and wife executing legal charge over matrimonial home to secure loan—Husband innocently misrepresenting extent of wife's liability—Bank having constructive notice of misrepresentation—Whether bank entitled to partial enforcement of charge against wife

T.S.B. Bank Plc. v. Camfield, C.A. [1995] 1 W.L.R. 430

Loan agreement

Sale of ship

Borrowers undertaking that if vessel unable to secure employment vessel to be sold—Whether bank's notice requiring sale served within reasonable time—Whether implied limitation on time within which bank entitled to serve notice—Whether borrowers in default of loan agreement

Zeeland Navigation Co. Ltd. v. Banque Worms, Rix J. [1995] 1 Lloyd's Rep. 251

BANKRUPTCY

Debt

Set-off

Plaintiff bringing action for breach of contract—Plaintiff becoming bankrupt before trial of claim and counterclaim—Plaintiff's trustee in bankruptcy assigning right of action against defendant to plaintiff without taking balance of account for set-off—Whether valid as assignment of net balance—Insolvency Act 1986, s. 323

Stein v. Blake, H.L.(E.) [1995] 2 W.L.R. 710

BANKRUPTCY—continued**Estoppel***Statutory demand*

Application to set aside statutory demand dismissed—Subsequent bankruptcy petition adjourned for later hearing—Whether bankruptcy order should have been made—Whether court entitled to go behind judgment dismissing application to set aside—When adjournment to be granted—Insolvency Rules 1986, rr. 6.5, 6.25(1)

Eberhardt & Co. Ltd. v. Mair, Evans-Lombe J. [1995] 1 W.L.R. 1180

Petition*Dismissal*

Discretion of court—Debtor subject to bankruptcy in Sweden—Debtor denying having assets in England—Whether court to exercise discretion to dismiss petition—Insolvency Act 1986, s. 266(3)

In re Thulin, Jules Sher Q.C. [1995] 1 W.L.R. 165

Property passing to trustee*Joint tenants*

Husband and wife joint tenants of property—Bankruptcy of husband—Wife dying after act of bankruptcy but before adjudication order—Whether joint tenancy severed before wife's death—Bankruptcy Act 1914, ss. 37, 38(a)

In re Dennis (A Bankrupt), C.A. [1995] 3 W.L.R. 367

Voluntary arrangement*Subsequent bankruptcy*

Effect on prior voluntary arrangement—Entitlement to vote at creditors' meeting—Whether terminated by bankruptcy order—Whether bankrupt's trustee holding assets for all creditors or only for creditors bound by voluntary arrangement—Whether bankrupt's former wife entitled to participate in arrangement in respect of arrears of periodical payments and costs of divorce proceedings—Insolvency Act 1986, ss. 257, 260(2)(b), 382(1)—Insolvency Rules 1986, rr. 5.17, 5.18

In re Bradley-Hole (A Bankrupt), Rimer J. [1995] 1 W.L.R. 1097

BARBADOS**Constitution***Human rights and fundamental freedoms*

"Inhuman or degrading punishment or other treatment"—Execution of death penalty for murder—Delay between sentence and execution—Whether infringement of applicants' constitutional rights—Constitution of Barbados, s. 15

Bradshaw v. Attorney-General of Barbados, P.C. [1995] 1 W.L.R. 936

Judicial review*Cabinet*

"Administrative act or omission"—Applicant's tender for government contract lower than rival tenderer's—Cabinet on minister's recommendation awarding contract to rival—Whether cabinet's decision amenable to judicial review—Whether grounds for granting effective relief against minister or cabinet—Constitution of Barbados, s. 64—Administrative Justice Act, ss. 2, 3(1), 4, 5(2)—Financial Administration and Audit Act, s. 39(1)—Financial Administration and Audit (Financial) Rules 1971, r. 148

Williams (C.O.) Construction Ltd. v. Blackman, P.C. [1995] 1 W.L.R. 102

BARRISTER**Conduct of case***Practice*

Barrister representing four defendants at murder trial—First three defendants raising alibi—Fourth defendant raising self-defence and provocation—Whether conflict of interest between fourth defendant and others—Whether fourth defendant deprived of fair trial

Mills v. The Queen, P.C. [1995] 1 W.L.R. 511

Defendant's advocate failing to fulfil duties to client—Defendant not giving evidence—Advocate's conduct depriving defendant of opportunity to put defence to jury—Whether substantial miscarriage of justice—Whether proviso to be applied—Supreme Court of Judicature Act, s. 44(1)

Sankar v. State of Trinidad and Tobago, P.C. [1995] 1 W.L.R. 194

BROADCASTING**Radio Authority***Control of advertisements*

Advertising by human rights organisation—Whether body whose objects mainly of "political nature"—Whether permission to advertise to be refused—Broadcasting Act 1990, ss. 92(2)(a)(i)

Reg. v. Radio Authority, Ex parte Bull, D.C. [1995] 3 W.L.R. 572

BRUNEI DARUSSALAM

Crime

Evidence

Confession—Defendants manacled and hooded during interrogation—Defendants not so treated in interviews when making written statements—Whether statements obtained by oppression—Whether admissible—Whether convictions sustainable on other evidence—Criminal Procedure Code, s. 117(1)(2)—Public Order Act, s. 28(1)

Burut v. Public Prosecutor, P.C. [1995] 2 A.C. 579; [1995] 3 W.L.R. 16

Trusts *see* TRUSTS: **Constructive trust: Dishonesty**

BUILDING

Contract

Assignment

Building contracts for benefit of third party—Contractual rights assigned to third party—Whether assignee entitled to substantial damages for breach of contract

Darlington Borough Council v. Wiltshier Northern Ltd., C.A. [1995] 1 W.L.R. 68

CARRIAGE BY LAND

Freight charges

Set-off

Plaintiffs claiming carriage charges for effecting delivery of Christmas hampers—Defendants seeking to set off cross-claims against plaintiffs' claims—Rule that no deduction by way of set-off from freight charges—Whether applicable to domestic carriage by land

United Carriers Ltd. v. Heritage Food Group (U.K.) Ltd., May J. [1995] 2 Lloyd's Rep. 269

International carriage of goods by road

Indemnity

Delivery of tank of detergent in place of chemicals—Claim for damages for having to shut down refinery for cleaning—Whether plaintiffs' claims limited or excluded by C.M.R. Convention and/or defendants' standard trading conditions or Road Haulage Association conditions—Whether defendants entitled to be indemnified—Carriage of Goods by Road Act 1965, Sch., arts. 17(1), 32(1)(c), 41

Shell Chemicals U.K. Ltd. v. P. & O. Roadtanks Ltd., C.A. [1995] 1 Lloyd's Rep. 297

CHARITY

Charitable purposes

Relief of poverty

Poor and needy relatives and their issue—Trust fund set up by will to assist poor and needy relatives of deceased and their issue during 21-year period—Gift over to charitable institutions for charitable purposes at expiry of 21 years if no needy member of class alive—Whether gifts for exclusively charitable purposes—Whether constituting exempt transfers for inheritance tax purposes *In re Segelman, decd.*, Chadwick J. [1995] 3 All E.R. 676

CHATTEL

Chattel found on land

Ownership

Gold brooch found by use of metal detector by member of public—Land owned by council for public recreational purposes—Whether detection, excavation and removal of brooch within permitted use of land—Whether finder or council entitled to ownership of brooch

Waverley Borough Council v. Fletcher, C.A. [1995] 3 W.L.R. 772

CHILDREN

Care proceedings

Supervision order

Extension—Application for extension made during currency of order—Whether "application for a supervision order"—Whether threshold conditions for making supervision order required to be proved on application for extension—Whether jurisdiction to make care order on application for extension of supervision order—Children Act 1989, ss. 31(2)(5)(b), 35, Sch. 3, para. 6

In re A. (A Minor) (Supervision Order: Extension), C.A. [1995] 1 W.L.R. 482

Child abuse

Suspicion of abuse

Local authority's duty under child care legislation—Plaintiffs alleging failure to carry out statutory duty—Whether action in private law available—Children and Young Persons Act 1969, ss. 1, 2—Child Care Act 1980, ss. 1, 2(1), 18—Children Act 1989, ss. 17, 31

X (Minors) v. Bedfordshire County Council, H.L.(E.) [1995] 2 A.C. 633; [1995] 3 W.L.R. 157

CHILDREN—continued**Child in care***Secure accommodation order*

Local authority seeking authority to keep child in secure accommodation—Local authority's general duty to safeguard and protect welfare of child looked after by it—Whether court to place welfare of child as paramount consideration—Whether justices required to make interim order or adjourn to allow guardian ad litem to prepare report on child—Children Act 1989, ss. 1(1), 25

In re M. (A Minor) (Secure Accommodation Order),
C.A. [1995] Fam. 108; [1995] 2 W.L.R. 302

Maximum period of order—Whether to run from date of order or from date of child's entry into secure accommodation—Children Act 1989, s. 25(4)

In re B. (A Minor) (Secure Accommodation Order), C.A. [1995] 1 W.L.R. 232

Childminder*Registration of childminders*

Local authority failing to suspend or deregister childminder under investigation—Child subsequently injured while in childminder's care—Whether local authority's failure conferring private law right of action for breach of statutory duty—Nurseries and Childminders Regulations Act 1984, s. 5

T. (A Minor) v. Surrey County Council, Scott Baker J. [1994] 4 All E.R. 577

Custody rights*Breach*

Mother granted care and custody by Colorado court—No order prohibiting removal of child from jurisdiction—Mother removing child from Colorado without father's consent—Whether removal wrongful—Whether removal breaching father's "rights of custody"—Whether exceptional circumstances warranting refusal to order return—Child Abduction and Custody Act 1985, Sch. 1, arts. 3, 13(b)

In re F. (A Minor) (Abduction: Custody Rights Abroad),
C.A. [1995] Fam. 224; [1995] 3 W.L.R. 339

Order of Californian court restraining both parents from removing child from jurisdiction—Father removing child to Iraq—Californian court ordering father to return child to California—Father intending to visit United Kingdom with child—Whether English court having jurisdiction to make interim directions in respect of child before arrival in United Kingdom—Child Abduction and Custody Act 1985, s. 5, Sch. 1, arts. 7, 8, 11

In re N. (Child Abduction: Jurisdiction),
Wilson J. [1995] Fam. 96; [1995] 2 W.L.R. 233

Enforcement

Wife bringing children to United Kingdom in breach of order of Spanish court—Probable wrongful removal from Spanish jurisdiction—Husband not invoking Hague Convention—Wife seeking residence orders with respect to children—Duty of court—Whether court having "notice" of wrongful removal—Whether bound to refrain from making residence order—Whether husband to be informed of rights under Hague Convention—Matrimonial Causes Act 1973, s. 41 (as substituted by Children Act 1989, s. 108(4), Sch. 12, para. 31)—Child Abduction and Custody Act 1985, s. 5, Sch. 1, arts. 7, 16

R. v. R. (Residence Order: Child Abduction),
Stuart-White J. [1995] Fam. 209; [1995] 3 W.L.R. 425

Evidence*Disclosure*

Care proceedings—Death of child from non-accidental injury—Local authority taking care proceedings in respect of surviving children—Mother seeking direction that any statements made be disclosed only to parties or court—Whether jurisdiction to grant—Whether statements admissible in subsequent criminal proceedings—Children Act 1989, s. 98

Cleveland County Council v. F., Hale J. [1995] 1 W.L.R. 785

Mother admitting responsibility for child's injuries to guardian ad litem in care proceedings—Guardian disclosing admission to social services department and police—Whether admission confidential—Whether leave of court required for disclosure—Whether guardian ad litem's appointment to be terminated—Family Proceedings Rules 1991, r. 4.10(9)

Oxfordshire County Council v. P., Ward J. [1995] Fam. 161; [1995] 2 W.L.R. 543

CHILDREN—continued**Financial provision***Periodical payments order*

Application by father for variation—Original order made under legislation subsequently repealed—Whether court having power to vary order—Whether justices wrong to reject father's uncontradicted evidence as to means—Guardianship of Minors Act 1971, s. 11(b)—Interpretation Act 1978, s. 16(1)

B. v. B. (Children: Periodical Payments), Douglas Brown J. [1995] 1 W.L.R. 440

Orders with respect to children*Contact order*

Contact with half-sister following adoption—Adoptive parents informally agreeing to provide annual reports—Adoptive parents subsequently refusing to provide report—Whether half-sister to be granted leave to apply for contact order—Children Act 1989, s. 10(9)

In re T. (Minors) (Adopted Children: Contact), C.A. [1995] 3 W.L.R. 793

Frequency of contact—Contact with parents pending adoption—Judge reducing frequency originally ordered—No ambiguity or slip in original order—Whether jurisdiction to vary—Whether "family proceedings" concluded when original order made—Children Act 1989, ss. 8(2)(3), 9(2), 10(1) **In re C. (Minors) (Contact: Jurisdiction)**, C.A. [1995] 3 W.L.R. 30

Prohibited steps order

Child sexually abused by mother's partner—Supervision orders with conditions made in respect of mother's other children and care order in respect of abused child—Prohibited steps order made against mother to prevent contact between child and mother's partner—Partner not party to proceedings—Whether jurisdiction to make prohibited steps order against mother—Whether jurisdiction to make prohibited steps order against non-party—Whether conditions to be attached to supervision order—Children Act 1989, ss. 8, 9(5)(a)

In re H. (Minors) (Prohibited Steps Order), C.A. [1995] 1 W.L.R. 667

Parental responsibility*Change of surname*

Application for enrolment of deed poll—Consent of all persons with parental responsibility—R.S.C., Ord. 63, r. 10

Practice Direction (Child: Change of Surname), Q.B.D. [1995] 1 W.L.R. 365

Local authority

Children remanded to local authority accommodation—Children subsequently committing crimes—Whether local authority having "parental responsibility"—Whether local authority liable to pay compensation to victims—Children and Young Persons Act 1933, s. 55(5) (as inserted by Criminal Justice Act 1991, s. 57)—Children and Young Persons Act 1969, s. 23—Children Act 1989, s. 3(1)

North Yorkshire County Council v. Selby Youth Court, D.C. [1995] 1 W.L.R. 1

Proceedings concerning*Restrictions on reporting*

Judge's discretion to make order and hear representations from persons with legitimate interest—Procedure to be followed when making order restricting reporting—Children and Young Persons Act 1933, s. 39(1)

Ex parte Crook, C.A. [1995] 1 W.L.R. 139

Sale of tobacco to*Prohibition on sale*

Unsupervised shop assistant selling cigarettes to 12-year-old—Shop staff aware of law on sale of tobacco to under 16-year-olds—Written instructions provided to shop staff—Whether all reasonable precautions and exercise of due diligence to avoid commission of offence—Children and Young Persons Act 1933, s. 7 (as amended by Children and Young Persons (Protection from Tobacco) Act 1991, s. 1)

Hereford and Worcester County Council v. T. & S. Stores Plc., D.C. (1994) 93 L.G.R. 98

Youth court*Jurisdiction*

Youth court remanding boy into care of home local authority—Local authority seeking secure accommodation order—Youth court in local authority's area declining jurisdiction—Whether remanding court required to hear application—Jurisdiction to entertain application—Criminal Justice Act 1991, s. 60(3)

Liverpool City Council v. B., Ewbank J. [1995] 1 W.L.R. 505

COMMONS**Common land***"Waste land of a manor"*

Compulsory acquisition of registered common land over which rights of common registered—Intention to build reservoir—Commoners agreeing compensation for loss of rights—Abandonment of reservoir scheme—Compensation paid and vesting deed executed—Sale of land—Whether land to be removed from register—Whether land still common land as waste land of manor

Mid Glamorgan County Council v. Ogwr Borough Council, H.L.(E.) [1995] 1 W.L.R. 313

COMPANY**Director***Disclosure of interest*

Sole director resolving at meeting to terminate own contract of employment and authorise payment to himself—Minutes not recording declaration of interest by director—Whether "meeting of directors"—Whether sole director required to make declaration of interest—Companies Act 1985, s. 317

Neptune (Vehicle Washing Equipment) Ltd. v. Fitzgerald,
Lightman J. [1995] 3 W.L.R. 108

Disqualification see also **PRACTICE: Dismissal of action for want of prosecution: Long delay**

Disqualification refused despite requisite findings of fact—Whether account to be taken of matters subsequent to conduct relied on—Whether discretion to order disqualification of directors shown to be unfit—Whether directors to be disqualified—Company Directors Disqualification Act 1986, ss. 6(1), 9, Sch. 1

In re Grayan Building Services Ltd., C.A. [1995] Ch. 241; [1995] 3 W.L.R. 1

Evidence in proceedings on affidavit—Registrar ordering deponent's attendance for cross-examination—Whether registrar having jurisdiction so to order—Whether statement or affidavit separately admissible under statute—Civil Evidence Act 1968, s. 2(1)—R.S.C., Ord. 38, r. 2(3)—Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987, rr. 2, 3, 6

In re Dominion International Group Plc., Rattee J. [1995] 1 W.L.R. 649

Knowledge of company see **NEW ZEALAND**

COMPULSORY PURCHASE

Compensation see **HONG KONG: Land: Resumption**

CONFIDENTIAL INFORMATION**Breach of confidence***Public interest*

Offender photographed at police station—Police disclosing photograph to shopkeepers concerned about shoplifting—Action for breach of confidence—Whether public interest defence bound to succeed—Whether claim to be struck out

Hellewell v. Chief Constable of Derbyshire, Laws J. [1995] 1 W.L.R. 804

CONFLICT OF LAWS**Contract***Proper law*

Arbitration clause in charterparty referring disputes to arbitrators in London—Collision in Italian waters—Whether claims made in London and in Italy within arbitration clause and within jurisdiction of London arbitrators—Whether charterers to be restrained from proceeding in Italy

Aggeliki Charis Compania Maritima S.A. v. Pagnan S.p.A.,
C.A. [1995] 1 Lloyd's Rep. 87

German plaintiffs agreeing to charter two bulk carriers being built in Japan for defendants subject to conditions—Issue as to whether conditions waived or satisfied—Plaintiffs claiming defendants in repudiatory breach—Whether agreement governed by English law—Whether London arbitration clause validly incorporated—Whether English courts more appropriate forum—Contracts (Applicable Law) Act 1990, s. 2(1), Sch. 1, art. 8(2)

Egon Oldendorff v. Libera Corpn., Mance J. [1995] 2 Lloyd's Rep. 64

Letter of credit see **BANKING**

Foreign judgment*Jurisdiction to enforce*

Judgment of foreign court rejecting allegations of fraud and enforcing guarantee against defendants—Defendants making same allegations of fraud in enforcement proceedings in St. Vincent—Whether abuse of process

Owens Bank Ltd. v. Etoile Commerciale S.A., P.C. [1995] 1 W.L.R. 44

CONFLICT OF LAWS—*continued*

Jurisdiction

Brokers' commission

Sale of ship—Brokers seeking to recover commission earned in connection with sale of two vessels—Buyers domiciled in Switzerland—Whether brokers able to bring action in England on basis of suing in matters relating to contract—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(1)

Atlas Shipping Agency (U.K.) Ltd. v. Suisse Atlantique Société d'Armement Maritime S.A.,
Rix J. [1995] 2 Lloyd's Rep. 188

Movables

Proper law

Ownership of shares—Shares of company incorporated in New York held by English company as nominee for plaintiff—Share certificates deposited in England without knowledge or consent of plaintiff as security for moneys lent—Shares afterwards registered in central depository system in New York in names of companies holding them as security—Whether English or New York law applying—Whether plaintiff entitled to recover shares

Macmillan Inc. v. Bishopsgate Investment Trust Plc. (No. 3),
Millet J. [1995] 1 W.L.R. 978

Sovereign immunity

Contract of employment

Employees dismissed from employment at embassy—Complaints of unfair dismissal—Claim of sovereign immunity—Industrial tribunal accepting jurisdiction in employers' absence—Duty of appeal tribunal to give effect to immunity—Whether time in which to appeal to be extended—State Immunity Act 1978, ss. 1, 4

United Arab Emirates v. Abdelghafar, E.A.T. [1995] I.C.R. 65

Exercise of sovereign authority

Iraq occupying Kuwait by military action—Plaintiffs' civil aircraft removed to Iraq by defendants on Iraqi government orders—Aircraft retained and used by defendants following laws passed by Iraq—Service of writ on defendants in London—Whether proper service—Whether defendants' actions covered by state immunity—State Immunity Act 1978, ss. 12(1), 14(1)(2)—R.S.C., Ord. 65, r. 3(1)

Kuwait Airways Corp. v. Iraqi Airways Co., C.A. [1995] 1 Lloyd's Rep. 25
H.L.(E.) [1995] 1 W.L.R. 1147

Visiting forces

United States serviceman serving in England treated at United States military hospital in England—Serviceman bringing action against United States government for personal injury—Whether right of action in England existing at common law—Whether medical treatment to be characterised as *jure imperii* or *jure gestionis*—Whether United States government immune from suit—Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty 1951

Littrell v. United States of America (No. 2), C.A. [1995] 1 W.L.R. 82

CONTEMPT OF COURT

Administration of justice

Interference with

Applicant charged with murder seeking to substantiate alibi—Solicitor's agent intending to use photograph of applicant to identify potential witnesses at men's hostel—Agent prevented from interviewing hostel residents and staff or showing them photograph—Police threat to prosecute solicitor and agent for wilful obstruction of police officer in execution of his duty—Whether contempt

Connolly v. Dale, D.C. [1995] 3 W.L.R. 786

Breach of injunction

Employers' liability

Employers subject to Restrictive Practices Court's injunctions—Employees disregarding injunction contrary to employers' prohibition and without their knowledge—Whether employers required to take steps to enforce prohibition—Whether vicariously liable—Whether contempt of court—Restrictive Trade Practices Act 1976, s. 35(1)(3)

In re **Supply of Ready Mixed Concrete (No. 2)**,
H.L.(E.) [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25

CONTEMPT OF COURT—continued**Court proceedings***Restrictions on reporting*

Postponement of newspaper reporting of civil proceedings—Overlap of issues and material between civil actions and criminal trials pending and imminent—Factors to be taken into account by court when considering whether to order postponement of reporting—Whether “substantial” risk of prejudice to administration of justice in criminal trials—Whether postponement order “necessary” for avoiding substantial risk of prejudice—Contempt of Court Act 1981, s. 4(2)

M.G.N. Pension Trustees Ltd. v. Bank of America National Trust and Savings Association, Lindsay J. [1995] 2 All E.R. 355

Inferior court*Industrial tribunal*

Whether “inferior court”—Whether jurisdiction to punish contempt of industrial tribunal—R.S.C., Ord., 52, r. 1(2)(a)(iii) **Peach Grey & Co. v. Sommers**, D.C. [1995] I.C.R. 549

Jury*Jury foreman's statements*

Long after trial conflicting statements taken from jury foreman concerning comments by usher to jury members—Appeal lodged out of time—Whether material irregularity—Whether in interests of justice for foreman's statements to be received—Criminal Appeal Act 1968, s. 23—Contempt of Court Act 1981, s. 8

Reg. v. Mickleburgh, C.A. [1995] 1 Cr.App.R. 297

Pending proceedings*Prejudicing fair trial*

Television news suggesting men arrested for murder might have terrorist connections—Whether substantial risk that course of justice will be seriously impeded or prejudiced—Contempt of Court Act 1981, ss. 1, 2

Attorney-General v. Independent Television News Ltd., D.C. [1995] 2 All E.R. 370; [1995] 1 Cr.App.R. 204

Sentence*Criminal contempt*

Witness refusing to testify through fear—Guidelines on sentencing

Reg. v. Montgomery, C.A. [1995] 2 All E.R. 28; [1995] 2 Cr.App.R. 23

CONTRACT**Consideration***Performance of existing duty*

Unpaid taxes owed to Inland Revenue—Arrangement with tax collector to pay future tax in full and arrears by instalments—Collector indicating arrangement to be taken as acceptable in absence of contrary indication—Whether collector having authority to bind revenue—Whether acceptance—Whether agreement unenforceable for want of consideration

In re Selectmove Ltd., C.A. [1995] 1 W.L.R. 474

Construction*Force majeure clause*

Clause requiring sellers to furnish certificate attesting to force majeure event—Whether certificate required to state effect of event on sellers' individual position and inability to buy in elsewhere

Hoecheong Products Co. Ltd. v. Cargill Hong Kong Ltd., P.C. [1995] 1 W.L.R. 404

Guarantee

Building subcontract—Joint bond by subcontractor and surety for 10 per cent. of contract money—Bond to be null and void on proper performance or on surety satisfying damages—Whether guarantee

Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd., H.L.(E.) [1995] 3 W.L.R. 204

Penalty clause

Association of individuals formed to co-ordinate and finance legal proceedings—Pooling of claims and of subscriptions to cover risks of litigation—Loss of entitlement to share in proceeds if additional subscriptions not paid—Whether loss of entitlement constituting unenforceable penalty—Whether equitable doctrine of relief against forfeiture applicable

Nutting v. Baldwin, Rattee J. [1995] 1 W.L.R. 201

CONTRACT—continued

Construction—continued

Validity of claim

Oil pollution compensation fund—Administering company to be “sole judge” of validity of claim made under it—Effect of words “sole judge”—Whether unchallengeable in English courts

West of England Shipowners Mutual Insurance Association (Luxembourg) v. Cristal Ltd.,
Waller J. [1995] 1 Lloyd's Rep. 560

Failure of consideration

Recovery of money paid

Interest rate swap agreement entered into between bankers and local authority—Agreement ultra vires local authorities and void—Whether local authority entitled to recover net sum paid to bankers under agreement—Whether bank unjustly enriched by receipt of money—Whether any relevant change of position by bank precluding local authority from recovering sum paid—Whether defence of change of position confined to changes taking place after receipt of money

South Tyneside Metropolitan Borough Council v. Svenska International Plc.,
Clarke J. [1995] 1 All E.R. 545

Interest rate swap agreements between bankers and local authority—Agreements ultra vires local authority and void ab initio—Whether bankers entitled to recover money paid to local authority—Whether claim time-barred—Bankers hedging liabilities under parallel contracts and recouping part of losses—Whether invalidating claim for restitution—Whether local authority unjustly enriched at bankers' expense—Whether compound interest recoverable—Limitation Act 1980, ss. 5, 29(5)

Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council,
Hobhouse J. [1994] 4 All E.R. 972

Frustration

Adjustment of rights and liabilities

Agreement to promote pop concert—Proposed venue deemed structurally unsafe—Use of venue banned and permit to hold concert revoked—Whether promoter entitled to recover advance payment made to pop group—Whether pop group's expenses to be set off—Law Reform (Frustrated Contracts) Act 1943, s. 1(2)

Gamerco S.A. v. I.C.M./Fair Warning (Agency) Ltd., Garland J. [1995] 1 W.L.R. 1226

Rectification

Unilateral mistake

Mistaken belief as to scope of particular term—Mistake deliberately induced by defendant's misrepresentation—Whether defendant having actual knowledge of plaintiff's mistake—Whether to be inferred that misrepresentation having intended effect—Whether plaintiff entitled to rectification

Commission for the New Towns v. Cooper (Great Britain) Ltd.,
C.A. [1995] Ch. 259; [1995] 2 W.L.R. 677

Repudiation

Anticipatory breach

Contract for sale of cargo—Buyer rejecting cargo before loading complete—Neither party taking further steps to perform contract—Whether mere failure to perform contractual obligations capable of constituting acceptance of anticipatory repudiation

Vitol S.A. v. Norelf Ltd., C.A. [1995] 3 W.L.R. 549

Validity

Economic duress

Supplier lawfully threatening to discontinue purchaser's credit facilities if purchaser failed to pay sum allegedly owed—Purchaser settling account and claiming economic duress—Money not in fact owed by purchaser to supplier—Supplier acting in bona fide belief that money owing—Whether purchaser entitled to recover payment—Whether categories of duress encompassing lawful act duress

C.T.N. Cash and Carry Ltd. v. Gallaher Ltd., C.A. [1994] 4 All E.R. 714

Lease

Grant of lease by nominee to principal—Effective lease requiring mutual rights and obligations—Whether principle that no person can contract with himself breached

Ingram v. Inland Revenue Comrs., Ferris J. [1995] 4 All E.R. 334

COPYRIGHT**Infringement***Public policy*

Plaintiff's arrangement of well-known song made in breach of original author's copyright—Whether plaintiff's work entitled to copyright protection

ZYX Music G.m.b.H. v. King, Lightman J. [1995] 3 All E.R. 1

COSTS**Discretion of court***Application against non-party*

Non-party maintaining action—Scottish company formed to handle personal injury claims on contingency fee basis—Company not accepting liability for successful adverse party's costs—Company having no business interest in action—Whether company to pay successful defendants' costs

McFarlane v. E.E. Caledonia Ltd. (No. 2), Longmore J. [1995] 1 W.L.R. 366

Plaintiffs claiming damages for repudiation of charter—Defendants ordered to pay costs on indemnity basis—Plaintiffs unsuccessful in enforcing order—Plaintiffs claiming against P. and I. club—Club not party to litigation—Whether court to exercise discretion and order club to pay costs—Supreme Court Act 1981, s. 51

Tharros Shipping Co. Ltd. v. Bias Shipping Ltd. (No. 3), Rix J. [1995] 1 Lloyd's Rep. 541

Case stated in revenue matter

Appeal to High Court by case stated—Case remitted to special commissioners for further findings—Whether court's discretion on costs includes costs of remitters—Whether discretion to be exercised to include those costs—R.S.C., Ord. 62, r. 2(4)

Whittles v. Uniholdings Ltd. (No. 2), Sir John Vinelott (1994) T.C. Leaflet No. 3427

Several parties

Multiple representation in planning appeals—Appeals of Secretary of State, developer and development corporation successful—Whether appellants having separate interests—Whether entitled to separate orders for costs

Bolton Metropolitan District Council v. Secretary of State for the Environment (Practice Note), H.L.(E.) [1995] 1 W.L.R. 1176

Security for costs*Arbitration* see ARBITRATION*Foreign plaintiff*

Plaintiff non-trading corporation—Plaintiff incorporated in Jersey—Whether "ordinarily resident" outside jurisdiction—R.S.C., Ord. 23, r. 1(1)(a)

In re Little Olympian Each Ways Ltd., Lindsay J. [1995] 1 W.L.R. 560

Limited company

Inquiry into damages—Action by plaintiffs for balance due from defendants in respect of insurance and reinsurance business—*Mareva* injunction discharged by consent—Defendant claiming damages under plaintiffs' cross-undertaking in *Mareva* injunction—Whether order for security for costs to be made against defendants

Bowing (C.T.) & Co. (Insurance) Ltd. v. Corsi Partners Ltd., C.A. [1994] 2 Lloyd's Rep. 567

Plaintiff company likely to be unable to pay defendant's costs if defence successful—Circumstances to be taken into account in exercise of court's discretion to order security—Amount—Companies Act 1985, s. 726(1)

Keary Developments Ltd. v. Tarmac Construction Ltd., C.A. [1995] 3 All E.R. 534

Taxation*Fees*

Counsel fees—Trustees of property joined as defendants despite submitting to act as directed by court—Leading and junior counsel instructed—Proceedings compromised after commencement of trial—Plaintiff ordered to pay trustees' costs on indemnity basis—Costs taxed—Whether sums properly allowed—Whether reasonable to instruct leading and junior counsel—Whether level of counsel's fees excessive—Whether solicitors' hourly rates reasonable—R.S.C., Ord. 62, r. 12(2)

In re A Company (No. 004081 of 1989), D.C. [1995] 2 All E.R. 155

Solicitor

Contentious business—Level of fees allowable—Whether reasonable for City accountant plaintiffs to instruct City solicitors—Whether taxing master's previous awards forming basis of assessment—Whether taxing master to consider other available information as to costs actually incurred in firms in relevant area at relevant time

KPMG Peat Marwick McLintock v. H.L.T. Group Ltd., D.C. [1995] 2 All E.R. 180

COSTS—continued**Wasted costs orders***Legal representatives*

Counsel and solicitors advising clients to seek judicial review of planning enforcement notices and council's refusal to provide accommodation for gipsies—Whether judicial review proceedings properly brought—Whether conduct of case negligent—Whether wasted costs orders appropriate—Supreme Court Act 1981, s. 51(6)(7) (as substituted by Courts and Legal Services Act 1990, s. 4)

Reg. v. Horsham District Council, Ex parte Wenman, Brooke J. [1995] 1 W.L.R. 680

Legally aided defendants applying for discovery on advice of counsel—Application dismissed as wholly misconceived—Whether plaintiffs entitled to wasted costs order against defendants' counsel—Whether application for wasted costs order appropriate before trial—Supreme Court Act 1981, s. 51(6) (as substituted by Courts and Legal Services Act 1990, s. 4)

Filmfab Systems International Ltd. v. Pennington, Aldous J. [1995] 1 W.L.R. 673

COUNTY COURT**Arbitration***Automatic reference to arbitration*

Claims against employers seeking damages for minor injuries sustained in workplace—Number of employees intentionally overstating amount of claim to avoid automatic reference to arbitration—Grounds on which reference to be rescinded—Whether intentional overstatement of claim misuse of process—C.C.R., Ord. 19, rr. 3, 4

Afzal v. Ford Motor Co. Ltd., C.A. [1994] 4 All E.R. 720

Tenants' claims for breach of landlord's repairing obligation—Claims for specific performance—Whether district judge sitting as small claims arbitrator able to grant specific performance—County Court Rules 1981 (as amended by County Court (Amendment No. 2) Rules 1991 and County Court (Amendment No. 2) Rules 1992), Ord. 13, r. 6(2); Ord. 19; Ord. 50, r. 2

Joyce v. Liverpool City Council, C.A. [1995] 3 W.L.R. 439

Practice*Default summons*

No action by either side for 12 months after service of summons—Whether action struck out automatically—County Court Rules 1981, Ord. 9, r. 10

Webster v. Ellison Circlips Group Ltd., C.A. [1995] 1 W.L.R. 1447

Extension of time

Default summons served in personal injury action—Agreement by parties to indefinite extension of time for service of specified pleadings—No defence delivered or judgment in default entered within 12 months from service of summons—Whether action liable to be struck out automatically—County Court Rules 1981, Ord. 9, r. 10

Heer v. Tutton, C.A. [1995] 1 W.L.R. 1336

COURT OF APPEAL (CIVIL DIVISION)**Appeal***Expedited hearing*

Cases in which applications for expedited hearing appropriate—Applications to be made promptly

Unilever Plc. v. Chefaro Proprietaries Ltd. (Practice Note), C.A. [1995] 1 W.L.R. 243

Jurisdiction*Consent order*

Father seeking contact order in respect of daughter—No proper consideration given to mother's objection—Judge warning mother that continued opposition would put her at risk on costs—Mother consenting to interim contact order—Whether jurisdiction in Court of Appeal to review order—Whether misconduct of trial—Whether rehearing to be ordered—Supreme Court Act 1981, s. 18(1)(f)

In re R. (A Minor) (Consent Order: Appeal), C.A. [1995] 1 W.L.R. 184

Practice*Applications for leave*

Appeals—Litigants in person—Documentation

Practice Direction (Court of Appeal: Procedure), C.A. [1995] 1 W.L.R. 1191

Law reports

Citation of Law Reports in preference to other series—General series to be preferred to specialist series—When specialist series to be cited—Official transcript of unreported judgments to be used—Lists of authorities to be supplied to ushers—Provision of sufficient copies

Practice Direction (Court of Appeal: Citation of Authority), C.A. [1995] 1 W.L.R. 1096

COURT OF APPEAL (CIVIL DIVISION)—continued**Practice—continued***Limiting oral argument in certain applications*

Skeleton arguments—Documentation—Core bundles—Mediation

Practice Statement (Court of Appeal: Procedural Changes),

C.A. [1995] 1 W.L.R. 1188

Reserved judgments

Written reserved judgments handed down without being read aloud—Advance copies for parties' legal advisers and litigants in person—Judgment to be pronounced in open court—Copies for law reporters and media representatives—Public to be permitted to read copy in court

Practice Direction (Court of Appeal: Handed Down Judgments),

C.A. [1995] 1 W.L.R. 1055

CRIME**Arrest** *see* ARREST**Arson***Mens rea*

Arson endangering life—Whether expert evidence admissible on defendant's capacity to foresee risks involved—Whether test of recklessness subjective

Reg. v. Coles, C.A. [1995] 1 Cr.App.R. 157**Assault***Alternative verdict*

Defendant charged with causing grievous bodily harm with intent—Particulars of offence failing to specify how grievous bodily harm caused—Whether jury able to convict of inflicting grievous bodily harm—Offences against the Person Act 1861, ss. 18, 20

Reg. v. Field, C.A. (1992) 97 Cr.App.R. 357*Common assault*

Whether "common assault" embracing battery—Whether summary offence of battery may be included in indictment charging indictable offence—Criminal Justice Act 1988, ss. 39, 40

Reg. v. Lynsey, C.A. [1995] 3 All E.R. 654**Bail***Estreatment of recognisances*

Defendant on conditional bail with surety—Arraignment taking place at preliminary hearing—Defendant subsequently fleeing jurisdiction—Whether defendant surrendering to custody of court on arraignment—Whether surety discharged—Whether recognisance to be estreated

Reg. v. Central Criminal Court, Ex parte Guney, C.A. [1995] 1 W.L.R. 576

Defendant's sister and family friend standing surety—Defendant absconding and failing to appear at trial—Police negligent in failing to notify sureties—Lack of culpability by sureties—Recognisances of both sureties estreated in part—Whether proper exercise of discretion

Reg. v. Maidstone Crown Court, Ex parte Lever, C.A. [1995] 1 W.L.R. 928**Children, offences by***Children between ages of 10 and 14*Presumption of *doli incapax*—Whether still part of English law**C. (A Minor) v. Director of Public Prosecutions, H.L.(E.) [1995] 2 W.L.R. 383***Parental responsibility* *see* CHILDREN**Compensation***Jurisdiction to make order*

Careless driving by uninsured driver resulting in damage to third party's car—No claim by third party against Motor Insurers' Bureau when justices considering compensation order—Whether compensation "payable" under Motor Insurers' Bureau agreement—Whether compensation order limited to excess unrecoverable under agreement—Powers of Criminal Courts Act 1973, s. 35(3) (as substituted)

Director of Public Prosecutions v. Scott, D.C. [1995] R.T.R. 40**Conspiracy***Conspiracy to defraud*

Director of company and others agreeing to use system to disguise source and use of moneys from legitimate inquiry—Director owing company duty of disclosure—Company entitled to recover secret profits from director—Whether director dishonestly concealing information under duty to disclose to company—Whether conspiracy to defraud—Crimes Act 1961, s. 257

Adams v. The Queen, P.C. [1995] 1 W.L.R. 52

CRIME—continued

Court of Appeal (Criminal Division)

Application for leave to appeal to

Judge's refusal to allow part of proceedings to be read in camera—Whether Court of Appeal having jurisdiction to hear appeal against judge's refusal—Criminal Justice Act 1988, s. 159(1) **Reg. v. S.**, C.A. [1995] 2 Cr.App.R. 347

Plea of guilty before Crown Court—Whether bar to application for leave to appeal against conviction **Reg. v. Eriemo**, C.A. [1995] 2 Cr.App.R. 206

Jurisdiction

Court's judgment quashing conviction confined to single ground of appeal—House of Lords allowing Crown's appeal on single ground—Other grounds of appeal left unresolved—Procedure to be adopted before point of law certified for House of Lords

Reg. v. Berry (No. 3), C.A. [1995] 1 W.L.R. 7

Crown Court entering verdict of not guilty to charge on indictment and sentencing on plea of guilty to summary offence committed to court by justices—Whether Court of Appeal having jurisdiction to entertain application for leave to appeal against conviction—Whether appropriate for court to reconstitute as Divisional Court to entertain matter by way of judicial review—Criminal Appeal Act 1968, s. 1(1)

Reg. v. Avey, C.A. and D.C. [1994] R.T.R. 419

Leave to appeal to House of Lords—Application to be made within 14 days of decision—Whether announcement of result decision—Criminal Appeal Act 1968, s. 34

Reg. v. Young (Stephen), C.A. [1995] Q.B. 324; [1995] 2 W.L.R. 430

Reference by Secretary of State

Disclosure of reports to Secretary of State—Secretary of State's refusal to refer case to Court of Appeal—Whether Secretary of State to disclose police or experts' reports on which refusal based—Criminal Appeal Act 1968, s. 17

Reg. v. Secretary of State for the Home Department, Ex parte Hickey (No. 2), D.C. [1995] 1 W.L.R. 734

Criminal damage to property

Recklessness as to whether life endangered thereby

Damage to property with intent to endanger life or being reckless as to whether life would be endangered—(i) Coping stone pushed over bridge onto train—(ii) Deliberate ramming of police cars and throwing missiles—Causal connection between damage and danger—Whether danger to life resulting from damage to property—Criminal Damage Act 1971, s. 1(2) **Reg. v. Webster**, C.A. [1995] 2 All E.R. 168; [1995] 1 Cr.App.R. 492

Criminal Injuries Compensation Board

Amendment of "same roof" rule

Scheme amended in 1979 to include claims for injuries inflicted after 1 October 1979 by member of family living under same roof—Home Secretary's decision to continue exclusionary rule in subsequent revisions of scheme—Whether court having jurisdiction to examine legality of scheme—Whether Home Secretary's decision subject to judicial review—Whether irrational

Reg. v. Criminal Injuries Compensation Board, Ex parte P., C.A. [1995] 1 W.L.R. 845

Drugs

Evidence in support of offence

Importation of prohibited drugs—Evidence of other controlled drugs in accused's possession—Whether admissible **Reg. v. Peters (Mark)**, C.A. [1995] 2 Cr.App.R. 77

Possession of prohibited drug with intent to supply alleged—Evidence of cash found and financial dealings—Whether relevant and admissible to prove intention to supply

Reg. v. Gordon (Stafford), C.A. [1995] 2 Cr.App.R. 61

Possession of prohibited drugs with intent to supply—Possession of large sums of money—Whether admissible in support of charges **Reg. v. Morris**, C.A. [1995] 2 Cr.App.R. 69

Importation

Informant persuading defendants to receive imported drugs in London—Goods transferred not drugs—Defendants convicted of fraudulent evasion of prohibition on importation—Whether conduct constituting offence of "fraudulent evasion"—Whether offence committed with assistance of informant and Customs and Excise abuse of process—Whether evidence of participating informant properly admitted—Customs and Excise Management Act 1979, s. 170—Police and Criminal Evidence Act 1984, s. 78

Reg. v. Latif, C.A. [1995] 1 Cr.App.R. 270

CRIME—continued**Drugs—continued****Restraint order**

External confiscation order made in designated country in respect of funds held in London bank accounts—Whether High Court having power to make restraint order where external confiscation order made in proceedings in rem—Drug Trafficking Offences Act 1986 (Designated Countries and Territories) Order 1990, Sch. 3, ss. 1, 7, 8

In re S.-L. (Restraint Order: External Confiscation Order), C.A. [1995] 3 W.L.R. 830

Evidence**Admission**

Statement of co-defendant implicating defendant—Co-defendant relying on exculpatory explanation in statement—Whether trial judge having discretion to exclude part of statement at defendant's request contrary to wishes of co-defendant—Direction to jury—Cross-examination of defendant by prosecuting counsel on statement—Whether material irregularity causing miscarriage of justice—Judicature (Appellate Jurisdiction) Act, s. 14(1)

Lobban v. The Queen, P.C. [1995] 1 W.L.R. 877

Alibi

"Evidence in support of an alibi"—Meaning—Criminal Justice Act 1967, s. 11(8)

Reg. v. Johnson (Aldin), C.A. [1995] 2 Cr.App.R. 1

Character see also Summing up

Incident involving two vehicles—One driver charged with reckless driving and unlawful wounding of passenger in other vehicle—Defence of duress to reckless driving due to alleged intimidating behaviour by other driver and passenger—Claim of self-defence to unlawful wounding arising out of assault by passenger—Other driver not giving evidence at trial—Whether evidence of other driver's previous convictions correctly excluded

Reg. v. Murray, C.A. [1995] R.T.R. 239

Confession see also BRUNEI DARUSSALAM

Admissibility—Allegations of falsity and duress—Cross-examination of police officers regarding discredited evidence in subsequent trials—Whether permissible

Reg. v. Williams (Seymore), C.A. [1995] 1 Cr.App.R. 74

Mentally handicapped person—Whether case depending substantially on confession—Whether made in presence of independent person—Statute—Warning required by statute—Police and Criminal Evidence Act 1984, s. 77(1)

Reg. v. Bailey (Paula), C.A. [1995] 2 Cr.App.R. 262

Mentally handicapped person—Whether case depending substantially on confession—Whether warning of special need for caution to be given to jury—Police and Criminal Evidence Act 1984, s. 77

Reg. v. Campbell (Oliver), C.A. [1995] 1 Cr.App.R. 522

Corroboration

Indecent assault—No warning to jury about acting on uncorroborated evidence of complainant—Abrogation of corroboration warning requirement—Whether procedural—Whether operative retrospectively—Whether judge retaining discretion to warn jury about acting on uncorroborated evidence of complainant or accomplice—Whether admission of recent complaint evidence without corroboration warning unfair—Criminal Justice and Public Order Act 1994, s. 32(1)(4)

Reg. v. Makanjuola, C.A. [1995] 1 W.L.R. 1348

Joint enterprise—Defendants charged with substantive offences relating to insider dealing—Whether acts and declarations of one party in pursuance of joint enterprise admissible against another

Reg. v. Gray (David), C.A. [1995] 2 Cr.App.R. 100

One of 5 youths charged with murder and violent disorder—Another charged with violent disorder—Remaining 3 pleading guilty of affray and giving evidence for prosecution—No corroboration direction given—Conviction for murder and violent disorder—Second defendant acquitted—Whether accomplice warning required—Whether retrial to be ordered

Reg. v. Asghar, C.A. [1995] 1 Cr.App.R. 223

Previous conduct—Defendant charged with murdering infant son—Whether defendant's reactions to son's crying on previous occasions admissible—Whether defendant's previous good character relevant in considering exculpatory statements and propensity

Reg. v. Fulcher, C.A. [1995] 2 Cr.App.R. 251

Similar facts—Potential corroboration of evidence of one complainant by evidence of another—Risk of contamination—Whether going to admissibility—Whether question of contamination to be left to jury

Reg. v. H.,

H.L.(E.) [1995] 2 A.C. 596; [1995] 2 W.L.R. 737

CRIME—continued**Evidence—continued****Corroboration—continued**

Similar facts—Robbery—Cross-admissibility between counts—Whether striking similarity necessary
Reg. v. Downey, C.A. [1995] 1 Cr.App.R. 547

D.N.A. profile evidence

Conviction on two counts of rape—Crown's case based on D.N.A. profiling—No contrary evidence called but issue of identity raised—Additional evidence called during appeal raising questions of matching—Whether re-trial to be ordered
Reg. v. Gordon (Michael), C.A. [1995] 1 Cr.App.R. 290

Rape—Issue of identity—Hair plucked from defendant's scalp without consent—Whether constituting non-intimate sample—Whether admissible for D.N.A. profiling—Police and Criminal Evidence Act 1984, ss. 63, 65(a), 78
Reg. v. Cooke (Stephen), C.A. [1995] 1 Cr.App.R. 318

Defendant's failure to give evidence

Right to silence—Appropriate direction to jury about inference to be drawn from silence—Whether guilt capable of proof solely by failure to testify or answer questions—Warning to jury against drawing adverse inference unless no other reasonable excuse for silence—Criminal Justice and Public Order Act 1994, s. 35
Reg. v. Cowan, C.A. [1995] 3 W.L.R. 818

Discretion to exclude

Co-accused pleading guilty—Whether Crown to be allowed to adduce evidence of guilty plea—Police and Criminal Evidence Act 1984, ss. 74(1), 78(1)
Reg. v. Hillier, C.A. (1992) 97 Cr.App.R. 349

Documents, admissibility of

Excluded material—Voluntary disclosure of dental records to police by defendant's dentist—Whether such material admissible where no application for access made by constable—Police and Criminal Evidence Act 1984, ss. 9, 11, Sch. 1
Reg. v. Singleton, C.A. [1995] 1 Cr.App.R. 431

Expert

Importation of prohibited drugs—Duress alleged—Psychiatric report indicating no psychiatric disorder—Speculative opinion on effect of sexual abuse in childhood—Whether admissible
Reg. v. Hurst, C.A. [1995] 1 Cr.App.R. 82

Hearsay

Murder victim naming assailants immediately before death—Whether statement admissible as part of res gestae—Jamaica
Mills v. The Queen, P.C. [1995] 1 W.L.R. 511

Statement by deceased relating to drugs found in appellant's possession—Whether admissible—Whether against deceased's pecuniary or proprietary interest
Reg. v. Rogers (Alan), C.A. [1995] 1 Cr.App.R. 374

Identity

Expert evidence—Defendant charged with robbery at bank—Photographs taken by automatic still camera at time of offence—Facial mapping by video superimposition—Whether expert's evidence admissible
Reg. v. Clarke, C.A. [1995] 2 Cr.App.R. 425

Identification by three separate victims—Similar fact evidence in support—Direction to jury—Whether evidence other than similarity of facts necessary to establish commission of one offence before similar fact evidence admissible in support
Reg. v. McGranaghan (Note), C.A. [1995] 1 Cr.App.R. 559

Identity parade—Defects alleged in identification procedures—Proper direction to jury as to effect of breaches of Code—Police and Criminal Evidence Act 1984, s. 78—Codes of Practice, D12
Reg. v. Quinn, C.A. [1995] 1 Cr.App.R. 480

Photographic evidence—Whether special direction mandatory

Reg. v. Downey, C.A. [1995] 1 Cr.App.R. 547

Recognition evidence—Witness to killing recognising killers as accused—All accused known to witness—Credibility of witness in issue—No general warning on identification in summing up—Whether general warning required—Whether conviction safe

Beckford v. The Queen, P.C. (1993) 97 Cr.App.R. 409

CRIME—continued**Evidence—continued***Identity—continued*

Visual identification—Presence at scene of crime admitted—Whether *Turnbull* direction required
Reg. v. Thornton (Brian), C.A. [1995] 1 Cr.App.R. 578
Reg. v. Slater, C.A. [1995] 1 Cr.App.R. 584

Visual identification—Prosecution case dependent on identification evidence—Defence of mistaken identification—Alibi defence raised in unsworn statement—Failure in summing up to tell jury mistaken witness could be convincing—No direction on impact of rejecting alibi—Whether jury properly directed
Mills v. The Queen, P.C. [1995] 1 W.L.R. 511

Voice identification—Burglary and sexual assaults—Voice identification by both victims—Similar fact evidence—Appellant's previous convictions admitted in evidence—Whether admissible—Police and Criminal Evidence Act 1984, s. 78(1)
Reg. v. Johnson (Kevin), C.A. [1995] 2 Cr.App.R. 41

Interview

Customs officers' questions designed to elicit incriminating response—Whether "interview"—Police and Criminal Evidence Act 1984, ss. 66, 67, 78
Reg. v. Weerdesteyn, C.A. [1995] 1 Cr.App.R. 405

Information offered voluntarily by accused—Whether interview—Whether later interview contaminated—Police and Criminal Evidence Act 1984, ss. 76, 78
Reg. v. Menard, C.A. [1995] 1 Cr.App.R. 306

Privilege

Prosecution witness previously acquitted of offence with which defendant charged—Defence seeking to question witness as to original instructions to legal advisers—Issue of witness summons for production of instructions—Whether "likely to be material evidence"—Whether admissible as previous inconsistent statement—Whether subject to legal professional privilege—Criminal Procedure Act 1865, ss. 4, 5—Magistrates' Courts Act 1980, s. 97 (as amended by Contempt of Court Act 1981, s. 14(5), Sch. 2, para. 7 and by Criminal Penalties etc. (Increase) Order 1984, art. 2(3), Sch. 3)
Reg. v. Derby Magistrates' Court, Ex parte B., H.L.(E.) [1995] 3 W.L.R. 681

Prosecution evidence

Disclosure of information to defence—Public interest immunity—Claim by prosecution to withhold from defence identity of informant—Whether disclosure of details about informant essential to running of defence
Reg. v. Turner (Paul), C.A. [1995] 1 W.L.R. 264

Disclosure of video tape to defence—Defendant charged with sexual offences against own children—Defence seeking disclosure of video tape of family interview at hospital—Public interest immunity claimed—Trial judge refusing application for disclosure without seeing video—Whether material irregularity—Whether proviso applicable—Criminal Appeal Act 1968, s. 2(1)
Reg. v. K. (T.D.), C.A. (1992) 97 Cr.App.R. 342

Disclosure of witness's previous convictions—Failure to disclose previous convictions of prosecution witness—Whether material irregularity in trial
Reg. v. Thornton (Brian), C.A. [1995] 1 Cr.App.R. 578

Tracker dog

Activities and reaction of dog—Need to establish proper training and reliability of dog—Need to alert jury to look circumspectly at evidence of tracking by dog—Whether evidence of dog handler admissible
Reg. v. Pieterston, C.A. [1995] 1 W.L.R. 293

Video recording

Child witness—Evidence in chief of complainant on video recording—Request by jury for replay of video after retirement—Whether discretion to grant—Criminal Justice Act 1988, s. 32A (as inserted by Criminal Justice Act 1991, s. 54)
Reg. v. Rawlings (Practice Note), C.A. [1995] 1 W.L.R. 178

Child witness—Whether judge under duty to investigate competence—Whether investigation to be carried out in presence of jury—Criminal Justice Act 1988, s. 32A (as inserted by Criminal Justice Act 1991, s. 54)—Criminal Justice Act 1991, s. 52
Reg. v. Hampshire, C.A. [1995] 3 W.L.R. 260

Video recording of incident of violent disorder shown to jury—Purported identification of defendants from video by police officer—Whether officer having "special knowledge"—Whether officer's evidence admissible
Reg. v. Clare, C.A. [1995] 2 Cr.App.R. 333

CRIME—continued**Evidence—continued***Witness*

Competence—Mentally handicapped witness—Expert evidence as to witness's competence heard in presence of jury—Whether expert evidence of witness's capacity to tell truth question of admissibility—Whether to be heard by judge alone in absence of jury

Reg. v. Deakin, C.A. [1994] 4 All E.R. 769; [1995] 1 Cr.App.R. 471

Written statement

Standard of proof—Defendant seeking admission of written statement where witness living abroad—Whether criminal standard of proof or balance of probabilities—Criminal Justice Act 1988, s. 23(2)

Reg. v. Matthey, C.A. [1995] 2 Cr.App.R. 409

Witness abroad and whereabouts unknown—Judge refusing to admit statement as alibi—Whether proper exercise of discretion—Criminal Justice Act 1988, ss. 23, 26

Reg. v. Patel (Sabhas), C.A. (1992) 97 Cr.App.R. 294

Explosive substances*"Lawful object"*

Mens rea—Manufacture of electronic timers—Maker believing timers to be used for lawful object—Whether necessary to show knowledge that substance intended to be used for causing explosion—Explosive Substances Act 1883, s. 4(1)

Reg. v. Berry (No. 3), C.A. [1995] 1 W.L.R. 7

Firearms*Carrying firearm in public place*

Lawful authority or reasonable excuse—Invalid firearm certificate—Defendant's mistaken belief that certificate valid and constituting lawful authority—Whether reasonable excuse—Firearms Act 1968, s. 19

Reg. v. Jones (Terence), C.A. [1995] Q.B. 235; [1995] 2 W.L.R. 64

Forgery*Counterfeiting materials*

Equipment capable of counterfeiting currency—Whether defendant having custody of "anything . . . for the purpose of making a counterfeit"—Forgery and Counterfeiting Act, s. 17(1)

Reg. v. Maltman, C.A. [1995] 1 Cr.App.R. 239

Fraud

Fraudulent evasion of value added tax see **REVENUE: Value added tax**

Homicide*Diminished responsibility*

Defendant refusing to plead guilty to manslaughter on ground of diminished responsibility—Plea of not guilty to murder—Conviction—Defendant subsequently wishing to raise plea of diminished responsibility—Whether permissible

Reg. v. Straw, C.A. [1995] 1 All E.R. 187

Manslaughter

Joint enterprise—Appellant aged 15 and co-accused aged 14 taking vehicle without authority—Co-accused driving recklessly and baiting police—Appellant and co-accused jumping out of moving car—Car mounting pavement and killing child—Whether joint enterprise to leave car to drive itself

Reg. v. Mahmood (Asaf), C.A. [1995] R.T.R. 48

Joint enterprise—Intent to rob—Victim dying after attack by two out of three participants—One participant pleading guilty to murder and robbery—Other two denying intent, maintaining excessive force not part of joint enterprise—Conviction for manslaughter—Whether act committed in pursuance of common design

Reg. v. Stewart, C.A. [1995] 3 All E.R. 159; [1995] 1 Cr.App.R. 441

Provocation

Defendant pleading provocation on basis of threat to son—Judge ruling insufficient evidence of provocation—Whether ruling correct—Homicide Act 1957, s. 3

Reg. v. Baillie (John), C.A. [1995] 2 Cr.App.R. 31

Loss of self-control of ordinary person with characteristics of defendant—Defendant's addiction to glue-sniffing—Whether affecting gravity of provocation—Whether to be taken into account by jury—Homicide Act 1957, s. 3

Reg. v. Morhall, H.L.(E.) [1995] 3 W.L.R. 330

CRIME—continued**Homicide—continued***Self-defence* see **Self-defence***Sentence*

Manslaughter—17-year-old van driver trying to escape apprehension by deceased for attempted theft—Driver driving at deceased—Death caused by deceased falling from van roof—Whether sentence to be related to maximum for offence of causing death by reckless driving—Whether nine years' detention justified **Reg. v. Pimm**, C.A. [1994] R.T.R. 391

Indictment*Joinder of charges*

Series of offences—Where offences separated by long period of time—Whether offences forming part of series—Indictment Rules 1971, r. 9

Reg. v. Baird, C.A. (1992) 97 Cr.App.R. 308*Severance of trials*

Charges ranging from assault to causing grievous bodily harm—One of defendants charged in certain counts, victim in other counts—Whether separate trials appropriate

Reg. v. Johnson (Aldin), C.A. [1995] 2 Cr.App.R. 1**Judge***Directions to jury*

Right of jury to acquit after close of prosecution case—Whether judge to invite jury to acquit or intimate their right to stop case

Reg. v. Kemp, C.A. [1995] 1 Cr.App.R. 151**Jury***Retirement to consider verdict*

Defendant's trial for murder—Jury accommodated overnight at hotel after retirement—Ouija board used by four jurors purporting to give messages prejudicial to defendant—Subsequent discussion by jury at hotel—Defendant convicted by unanimous verdict—Whether court having jurisdiction to inquire into events at hotel or in jury room—Whether ouija board session "material irregularity in ... course of ... trial"—Whether conviction to be quashed—Criminal Appeal Act 1968, s. 2(1)(c)—Contempt of Court Act 1981, s. 8

Reg. v. Young (Stephen), C.A. [1995] Q.B. 324; [1995] 2 W.L.R. 430

Jury retiring overnight to hotel—Direction to jury not to continue deliberations

Reg. v. Tharakan, C.A. [1995] 2 Cr.App.R. 368

Video evidence of complainant shown again to jury—Whether judge required to remind jury of cross-examination of complainant

Reg. v. Saunders, C.A. [1995] 2 Cr.App.R. 313**Obscene publications***Obscene article*

Control of obscene articles—Method of determining meaning of "obscene"—Proper direction to jury—Obscene Publications Act 1959, ss. 1(1)(3), 2(6), 3(7)—Obscene Publications Act 1964, s. 1(2)(3)

Reg. v. O'Sullivan, C.A. [1995] 1 Cr.App.R. 455

Development of obscene photographs for owner for gain—Whether print new "article"—Whether distribution of obscene article—Obscene Publications Act 1959, s. 1(3)

Reg. v. Taylor (Alan), C.A. [1995] 1 Cr.App.R. 131**Practice***Ex parte application*

To be made only by prosecution in connection with disclosure—Verbatim record to be kept

Reg. v. Turner (Paul), C.A. [1995] 1 W.L.R. 264*Legal aid*

Application for legal aid made on day of summary trial—Supporting documentary evidence not accompanying statement of means—Documents sent after conclusion of case—Legal aid refused—Whether order to be made after completion of proceedings—Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, reg. 44(7)

Reg. v. Highbury Corner Magistrates' Court, Ex parte Sonn & Co., D.C. [1995] 1 W.L.R. 1365*Preparatory hearing*

Serious fraud—Duty of prosecution to consider possibility of severance

Reg. v. Kellard, C.A. [1995] 2 Cr.App.R. 134

CRIME—continued**Practice—continued***Prosecution of offences*

Decision not to prosecute—Guidelines to be followed by prosecutor—Code for Crown Prosecutors (C.P.S. Annual Report 1992–93), para. 8(1)(6)—Prosecution of Offences Act 1985, s. 10

Reg. v. Director of Public Prosecutions, *Ex parte C.*, D.C. [1995] 1 Cr.App.R. 136

Re-trial

Prosecution witness—Discretion of prosecution to call witness at re-trial—Principles to be applied

Reg. v. Russell-Jones, C.A. [1995] 3 All E.R. 239; [1995] 1 Cr.App.R. 538

Submission of no case to answer

Judge hearing submission in presence of jury—Whether material irregularity—Whether prejudicial to defendant

Crosdale v. The Queen, P.C. [1995] 1 W.L.R. 864

Trial

Hostile exchanges between trial judge and defendant's advocate—Whether trial fair

Sankar v. State of Trinidad and Tobago, P.C. [1995] 1 W.L.R. 194

Trial, length of

Serious fraud—Excessive length of trial—Whether convictions unsafe

Reg. v. Kellard, C.A. [1995] 2 Cr.App.R. 134

Self-defence*Homicide*

Soldier on patrol shooting civilian passenger in stolen car—Excessive force in self-defence—Whether soldier guilty of murder or manslaughter

Reg. v. Clegg, H.L.(N.I.) [1995] 1 A.C. 482; [1995] 2 W.L.R. 80

Special police constable in struggle with two men—Constable shooting one man dead—Defence of accident or provocation—Whether direction on self-defence required

Director of Public Prosecutions v. Bailey, P.C. [1995] 1 Cr.App.R. 257

Sentence*Extended term of imprisonment*

Defendant convicted on two counts of threatening to kill—Whether threat to kill constituting "violent offence"—Criminal Justice Act 1991, ss. 2(2)(b), 31(1)

Reg. v. Ragg, C.A. [1995] 4 All E.R. 155

Life imprisonment

Discretionary life sentence—Judge specifying relevant part of sentence to be served before defendant considered for parole—Whether "order"—Whether subject to appeal—Criminal Justice Act 1991, s. 34—Criminal Appeal Act 1968 (as amended by Criminal Justice Act 1988, s. 170, Sch. 15, para. 21 and Criminal Justice Act 1993, s. 79, Sch. 5, para. 1), ss. 9(1), 50(1)

Reg. v. Dalton, C.A. [1995] Q.B. 243; [1995] 2 W.L.R. 377

Suspended sentence

Further offences during operational period—Conditional discharge by justices with notice to Crown Court—Whether "conviction"—Whether enabling suspended sentence to be activated—Whether Crown Court having jurisdiction to make probation order instead of activating sentence—Powers of Criminal Courts Act 1973 (as amended by Criminal Justice Act 1991, s. 8(3)(a), Sch. 1, Pt. I), ss. 1C(1)(a), 23(1)—Criminal Justice Act 1991, s. 8(2)(3)(c)

Reg. v. Moore (Deborah), C.A. [1995] Q.B. 353; [1995] 2 W.L.R. 728

Sexual offences*Rape*

Consent—Agreement to sexual intercourse in return for payment—Subsequent failure to pay—Whether consent vitiated by fraudulent promise to pay

Reg. v. Linekar, C.A. [1995] Q.B. 250; [1995] 2 W.L.R. 237

Summing up*Defendant's character*

Good character direction not appropriate for co-accused—Whether defendant entitled to good character direction despite admissions

Reg. v. Durbin, C.A. [1995] 2 Cr.App.R. 84

Judge's direction—Defendant with no previous convictions testifying or giving pre-trial statement containing admissions and self-exculpatory explanations—Whether direction to include reference to credibility and propensity—Whether evidence of misconduct emerging at trial disentitling defendant to direction

Reg. v. Aziz, H.L.(E.) [1995] 3 W.L.R. 53

CRIME—continued**Summing up—continued***Judge's direction*

Alternative bases for finding of guilt on charge of violent disorder—Whether jury to be given *Brown* direction—Defendant lying when interviewed by police—Whether *Lucas* direction required
Reg. v. Keeton, C.A. [1995] 2 Cr.App.R. 241

Defendant not giving evidence—Duty of judge to put defendant's defence to jury—Extent of duty
Reg. v. Hillier, C.A. (1992) 97 Cr.App.R. 349

Judge making adverse comments on conduct of defence case—Counsel's conduct resulting in defence not being fairly placed before jury—Judge asking jury whether they wished to retire—Whether material irregularity—Whether defendant deprived of fair trial
Crosdale v. The Queen, P.C. [1995] 1 W.L.R. 864

Theft*Dishonest appropriation*

Obligation to deal with property in particular way—Financial adviser failing to keep investment funds in separate clients' account—Whether contract containing implied term obliging clients' funds to be kept separate—Theft Act 1968, s. 5(3)

• **Reg. v. McHugh, C.A. (1993) 97 Cr.App.R. 335**

Unlawful harassment of debtor*Demand for payment*

Money owed in respect of supply of electricity—Whether debt due under contract—Whether "calculated to subject" debtor to alarm, distress or humiliation—Whether necessary to show intention to cause alarm—Administration of Justice Act 1970, s. 40(1)

Norweb Plc. v. Dixon, D.C. [1995] 1 W.L.R. 636

CROWN**Minister***Statutory powers*

Provision of assistance to overseas countries—Aid and trade provision—United Kingdom Government offering financial assistance to build hydro-electric power station in Malaysia—Secretary of State advised proposal uneconomic—Secretary of State authorising assistance because of earlier offer—Whether lawful—Overseas Development and Co-operation Act 1980, s. 1(1)
Reg. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd., D.C. [1995] 1 W.L.R. 386

Prerogative*Statute, application to*

Provisions enacting existing prerogative scheme for criminal injury compensation—Minister empowered by statute to appoint commencement date—Decision not to appoint such date but to introduce inconsistent scheme under prerogative—Whether abuse of prerogative power—Whether decision lawful

**Reg. v. Secretary of State for the Home Department, Ex parte Fire Brigades Union, C.A. [1995] 2 A.C. 513; [1995] 2 W.L.R. 1
H.L.(E.) [1995] 2 A.C. 513; [1995] 2 W.L.R. 464**

CROWN COURT**Jurisdiction***Sentence*

Justices committing motorist to Crown Court for trial on charge of reckless driving and summary charge of speeding—No evidence offered on charge of reckless driving and not guilty verdict entered—Motorist sentenced by Crown Court on plea of guilty to speeding—Whether jurisdiction to do so—Whether conviction to be quashed—Criminal Justice Act 1988, s. 41
Reg. v. Avey, C.A. and D.C. [1994] R.T.R. 419

Practice*Arraignment*

Defendant committed in custody for trial to Crown Court for arson—Custody time limit extended and expiring without further application for extension—Applicant not released—Applicant arraigned and remanded in custody—Whether arraignment adopted to defeat defendant's right to bail—Whether susceptible of judicial review—Whether habeas corpus to issue—Bail Act 1976, s. 4

Reg. v. Maidstone Crown Court, Ex parte Hollstein, D.C. [1995] 3 All E.R. 503

CROWN COURT—continued**Practice—continued***Arraignment—continued*

Defendant committed to Crown Court for trial and remanded in custody—Date fixed for arraignment—Defendant unable to plead following service of additional material—Custody time limit due to expire—Arraignment on basis of holding pleas—Whether jurisdiction to quash arraignment—Whether writ of habeas corpus to be issued—Prosecution of Offences Act 1985, s. 22—Prosecution of Offences (Custody Time Limits) Regulations 1987, reg. 5

Reg. v. Maidstone Crown Court, Ex parte Clark, D.C. [1995] 1 W.L.R. 831

Defendants committed to Crown Court for trial and remanded in custody—Arraignment listed as matter of course—Additional evidence to be served—No date fixed for trial—Defendants remanded into custody—Whether arraignment valid—Whether jurisdiction to quash arraignment—Supreme Court Act 1981, s. 29(3)

Reg. v. Leeds Crown Court, Ex parte Hussain, D.C. [1995] 1 W.L.R. 1329

Defendant's right to give evidence

Court to satisfy itself that defendant aware of right and of possible inferences to be drawn by jury from failure to do so—Criminal Justice and Public Order Act 1994, s. 35

Practice Direction (Crown Court: Defendant's Evidence),
Supreme Court [1995] 1 W.L.R. 657

Distribution of business

Classification and allocation to Crown Court centres—Supreme Court Act 1981, s. 75(1)(2)

Practice Direction (Crown Court: Allocation of Business), C.A. [1995] 1 W.L.R. 1083

Legal aid

Application for legal aid made on day of summary trial—Supporting documentary evidence not accompanying statement of means—Documents sent after conclusion of case—Legal aid refused—Whether order to be made after completion of proceedings—Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, reg. 44(7)

Reg. v. Highbury Corner Magistrates' Court, Ex parte Sonn & Co.,
D.C. [1995] 1 W.L.R. 1365

Order for two or three counsel or Queen's Counsel alone—Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, reg. 48(14) (as substituted by the Legal Aid in Criminal and Care Proceedings (General) (Amendment) (No. 2) Regulations 1994, reg. 3)

Practice Direction (Crown Court: Counsel), Supreme Court [1995] 1 W.L.R. 261

Plea and directions hearings

Practice rules

Practice Direction (Crown Court: Plea and Directions Hearings),
Supreme Court [1995] 1 W.L.R. 1318

DAMAGES**Assessment***Postponement*

Lloyd's agents—Liability to Names for negligent underwriting—Liability for damages to be assessed in respect of known and future insurance claims—Whether assessment to be postponed—R.S.C., Ord. 33, rr. 3, 4(2)

Deeny v. Gooda Walker Ltd., Phillips J. [1995] 1 W.L.R. 1206

Contract*Breach*

Contract to construct swimming pool of specified depth for diving—Completed pool not of specified depth—Defective construction not preventing diving or affecting value of property—Whether cost of rectifying defect recoverable

Ruxley Electronics and Constructions Ltd. v. Forsyth, H.L.(E.) [1995] 3 W.L.R. 118

Measure of damages see also Sale of goods

Innocent misrepresentation see BANKING: Loan

Surveyor's report

Plaintiffs lending money on basis of surveyor's negligent valuation—Subsequent general fall in property market and default by borrowers in repayment of loans—Plaintiffs obtaining possession and selling properties at price below valuation—Whether loss attributable to market fall recoverable

Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.,
Phillips J. [1995] 2 All E.R. 769
C.A. [1995] Q.B. 375; [1995] 2 W.L.R. 607

DAMAGES—continued**Personal injuries***Loss of pension rights*

Employee injured in course of employment—Incapacity pension payments from employers' contributory pension scheme—Whether deductible from award for loss of retirement pension
Longden v. British Coal Corp., C.A. [1995] I.C.R. 957

Provisional damages*Practice*

Judgments after trial—Case file—Application when Court of Appeal allowing appeal
Practice Direction (Provisional Damages: Amended Procedure), Q.B.D. [1995] 1 W.L.R. 507

Sale of goods*Measure of damages*

Buyers rejecting alternative parcel—Whether sellers entitled to damages on basis of actual resale price difference and expenses of resale—Whether available market

Petrotrade Inc. v. Stinnes Handel G.m.b.H., Colman J. [1995] 1 Lloyd's Rep. 142

Non-delivery by defendants causing plaintiffs' breach with third party—Plaintiffs claiming loss of profits and loss of yield—Whether available market—Whether loss of profit within parties' assumed contractual contemplation—Whether plaintiffs liable for loss of yield incurred by third party

Coastal (Bermuda) Petroleum Ltd. v. VTF-Vulcan Petroleum S.A. (No. 2), Mance J. [1994] 2 Lloyd's Rep. 629

Trespass*Measure of damages*

Reversioners wrongfully ejecting lessee of property and incorporating it into hotel business—Lessee's entitlement to reasonable rent for apartments as mesne profits—Whether lessee's actual loss or reversioners' actual profits relevant

Invergie Investments Ltd. v. Hackett, P.C. [1995] 1 W.L.R. 713

DEFAMATION**Pleadings***Defamatory meaning*

Newspaper headlines and photographs—Whether to be considered in isolation from accompanying article—Whether text of article sufficient to neutralise otherwise defamatory meaning

Charleston v. News Group Newspapers Ltd., H.L.(E.) [1995] 2 A.C. 65; [1995] 2 W.L.R. 450

DISCRIMINATION, RACE**Employment***Application for employment*

Applicant applying for job with associate company of former employer—Manager rejecting application after adverse report from employee of former employer—Tribunal finding employee partly motivated by racial complaints by applicant—Whether victimisation—Whether applicant "person employed"—Whether manager vicariously liable—Race Relations Act 1976, ss. 2(1), 4(2), 32(2), 54(1)

Nagarajan v. Agnew, E.A.T. [1995] I.C.R. 520

Authorisation or qualification for employment

Applicant refused membership of financial self-regulating organisation—Refusal upheld on appeal under organisation's rules—Organisation approved pursuant to statute—Whether appeal "brought under any enactment"—Whether industrial tribunal having jurisdiction to hear complaint of racial discrimination—Race Relations Act 1976, s. 54—Financial Services Act 1986, s. 8(1)

Zaidi v. Financial Intermediaries Managers and Brokers Regulatory Association, E.A.T. [1995] I.C.R. 876

Dismissal

Time limit—Curate's complaint of unfair dismissal—Addition of complaint of racial discrimination after expiry of time limit—Whether tribunal having jurisdiction

Coker v. Diocese of Southwark, Industrial Tribunal [1995] I.C.R. 563

DISCRIMINATION, SEX**Employment***Contract of employment*

Wages paid without deduction of tax—Employee protesting but accepting wages—Whether contract tainted with illegality—Whether employee precluded from sex discrimination complaint against employer—Sex Discrimination Act 1975, ss. 6(2)(b), 82(1)

Leighton v. Michael, E.A.T. [1995] I.C.R. 1091

DISCRIMINATION, SEX—continued**Employment—continued****Dismissal**

Woman engaged for unlimited term but initially to replace pregnant employee during maternity leave—Dismissal shortly after appointment as consequence of pregnancy—Whether dismissal precluded by reason of discrimination on ground of sex—Sex Discrimination Act 1975, ss. 1(1)(a), 5(3)—Council Directive (76/207/E.E.C.), arts. 2(1), 5(1) **Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2)**, H.L. (E.) [1995] 1 W.L.R. 1454; [1995] I.C.R. 1021

Less favourable treatment

Employee on maternity leave not entitled to payment in lieu of notice—Whether direct discrimination—Whether payment by Secretary of State on employer's insolvency "pay"—Employment Protection (Consolidation) Act 1978, ss. 122 (as amended by Insolvency Act 1985, s. 218(1) and Employment Act 1990, Sch. 2, para. 1(4)), 124, Sch. 3, para. 2(1)(b)—E.E.C. Treaty, art. 119

Clark v. Secretary of State for Employment, E.A.T. [1995] I.C.R. 673

Foodstore's rules relating to personal appearance differing for male and female employees—Male delicatessen assistant with ponytail dismissed—Whether less favourable treatment—Sex Discrimination Act 1975, s. 1(1)(a) **Smith v. Safeway Plc.**, E.A.T. [1995] I.C.R. 472

Requirement or condition

Married woman earning less than husband promoted to higher grade—New term requiring her to work wherever directed in United Kingdom—Whether "requirement" employer "applies" to employee before term invoked—Fewer women than men able to move workplace—Whether unlawful sex discrimination—Sex Discrimination Act 1975, ss. 1(1)(b), 6(1)(b), 77(2); (5) **Meade-Hill v. British Council**, C.A. [1995] I.C.R. 847

Qualifying period of two years' employment for unfair dismissal claim—Whether discriminatory—Whether dismissed employees having locus standi for judicial review of amending statutory instrument—Whether compensation for unfair dismissal "pay"—Employment Protection (Consolidation) Act 1978, s. 64(1)(a) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985 and Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1)—E.C. Treaty, art. 119—Council Directive (76/207/E.E.C.), arts. 2(1), 5

Reg. v. Secretary of State for Employment, Ex parte Seymour-Smith, C.A. [1995] I.C.R. 889

Single mother working shifts as train operator—Employer introducing new shifts incompatible with childcare—Whether discriminatory requirement or condition—Nature of pool for comparison—Whether requirement applied with discriminatory intention—Sex Discrimination Act 1975, ss. 1(1)(b), 5(3), 66(3)

London Underground Ltd. v. Edwards, E.A.T. [1995] I.C.R. 574

Victimisation

Alleged assault by fellow employee when off-duty reported to employer—Complainant's special work status subsequently removed—Whether victimisation by employer—Sex Discrimination Act 1975, ss. 4(1)(d), 6(2), 41(1)

Waters v. Commissioner of Police of the Metropolis, E.A.T. [1995] I.C.R. 510

Equal pay**Pension scheme**

Army officer's service ending in 1973—Widower asserting claim to survivor's pension on officer's death in 1979—Scheme paying pensions to survivors of servicemen only—Equal pay proceedings instituted in 1994—Whether time-barred—Sex Discrimination Act 1975, s. 85(4)—E.C. Treaty, art. 119 **Howard v. Ministry of Defence**, E.A.T. [1995] I.C.R. 1074

Company scheme supplementary to statutory scheme providing pension at 65 for males but 60 for females—Reduction in pre-retirement pension entitlement by reference to retirement age—Whether infringement of equal pay principle—Whether rights subject to time limitation—Council Directive (86/378/E.E.C.), art. 8—E.E.C. Treaty, art. 119

Moreni v. Collo G.m.b.H. (Case C-110/91), E.C.J. [1995] I.C.R. 137

Contributory contracted-out and non-contracted-out schemes—Sex-based inequalities in rules and operation of schemes—Rights and liabilities of employees, employers and scheme trustees—Ambit of and time limitation applicable to equal pay principle—E.E.C. Treaty, art. 119 **Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)**, E.C.J. [1995] I.C.R. 179

DISCRIMINATION, SEX—continued**Equal pay—continued***Pension scheme—continued*

Contributory defined benefit occupational scheme—Value of transfer benefits and lump sum options lower for male than female employees—Whether equal pay principle applicable to benefits in respect of employment prior to May 1990—Whether use of actuarial factors differing according to sex discriminatory—E.E.C. Treaty, art. 119

Neath v. Hugh Steeper Ltd. (Case C-152/91), E.C.J. [1995] I.C.R. 158

Equalisation of retirement ages with view to eliminating discrimination—Measures having effect of reducing women's pension benefits—Extent to which permitted or precluded under Community law—E.E.C. Treaty, art. 119

Smith v. Avdel Systems Ltd. (Case C-408/92), E.C.J. [1995] I.C.R. 596

Non-statutory scheme—Survivors' pensions for widows only prior to rule change—Death of female employee before change—Widower's claim to pension—Whether equal pay principle applicable—Whether time limitation—E.E.C. Treaty, art. 119

Ten Oever v. Stichting Bedrijfspensioenfonds voor het Glazenwassers- en Schoonmaakbedrijf (Case C-109/91), E.C.J. [1995] I.C.R. 74

Right of part-time workers and married women to join occupational pension scheme—Time limitation applicable to retroactive assertion of right—Whether worker claiming retroactive membership liable to pay contributions therefor—E.E.C. Treaty, art. 119—Protocol No. 2 annexed to Treaty on European Union

Vroege v. NCIV Instituut voor Volkshuisvesting B.V. (Case C-57/93), E.C.J. [1995] I.C.R. 635

Time limit

Employee's redundancy preceding equalisation of qualifying ages for redundancy payment—Claim to payment based on Community law—Whether domestic time limit applicable—Whether complaint time-barred—Employment Protection (Consolidation) Act 1978, ss. 82(1), 101—Employment Act 1989, s. 16(1)—E.E.C. Treaty, art. 119

Rankin v. British Coal Corp., E.A.T. [1995] I.C.R. 774

Variation due to material difference

Women employed by local authority direct service organisation paid less than male comparators—Local authority's need to compete with commercial undertaking—Whether material factor other than difference of sex—Whether distinction between direct and indirect discrimination to be imported into equal pay legislation—Equal Pay Act 1970, s. 1(3) (as substituted by Equal Pay (Amendment) Regulations 1983, reg. 2)

North Yorkshire County Council v. Ratcliffe, H.L.(E.) [1995] I.C.R. 833

EASEMENT**Right of way***Grant*

Access to property over adjoining land—Whether necessary to reasonable enjoyment of property—Whether implied grant of right of way

Wheeler v. J.J. Saunders Ltd., C.A. [1995] 3 W.L.R. 466

ECCLESIASTICAL LAW**Faculty***Burial ground*

Burial ground closed and further burials forbidden—Disinterment of human remains in course of building works—Whether to be reinterred elsewhere in burial ground—Resiting of gravestones without consent of owner—Burial Act 1853, s. 3

In re St. Michael and All Angels, Tettenhall Regis, Judge Shand Ch. [1995] Fam. 179; [1995] 3 W.L.R. 299

Confirmatory faculty

Communion plate sold at auction without faculty—Parish in financial difficulties—Items redundant to needs of parish—Purported purchasers selling on—Auctioneers seeking confirmatory faculty—Whether petition to be determined on written representations—Whether confirmatory faculty authorising sale to be granted—Faculty Jurisdiction Rules 1992, r. 25

In re St. John's with Holy Trinity, Deptford, R. M. K. Gray Q.C., Ch. [1995] 1 W.L.R. 721

Extension to church

Proposal to build meeting room on disused burial ground—Extension likely to create extensive and wholesale disruption of human remains—Whether faculty to be granted

In re St. Michael and All Angels, Tettenhall Regis, Judge Shand Ch. [1995] Fam. 179; [1995] 3 W.L.R. 299

ECCLESIASTICAL LAW—continued

Faculty—continued

Furnishings

Introduction into church of altar standards, candelabra, votive candle stand, sanctuary bells, acolyte chairs, thurible and holy water stoups—Whether lawful

In re St. John the Evangelist, Chopwell,
Judge Bursell Q.C., Ch. [1995] Fam. 254; [1995] 3 W.L.R. 606

Memorial tablet

Churchyard memorial to person not buried there—Commemorative plaque for Roman Catholic priest convicted and executed as traitor—Whether faculty to be granted—Whether memorial appropriate in absence of pardon

In re St. Edmund's Churchyard, Gateshead,
Judge Bursell Q.C., Ch. [1995] Fam. 172; [1995] 3 W.L.R. 253

Ornament

Reservation of sacrament—Legality of reservation in sacrament house—Necessity for reserved sacrament to be kept in safe and seemly manner—Whether reservation lawful irrespective of rite or service book used—Whether faculty for erection of sacrament house to be granted—Whether necessary to prescribe siting of sacrament house

In re St. Thomas, Pennywell,
Judge Bursell Q.C., Ch. [1995] Fam. 50; [1995] 2 W.L.R. 154

EDUCATION

Local education authority

Duty to make special educational provision

Statement of special educational needs—Parent's appeal to Special Educational Needs Tribunal—Subsequent appeal to High Court—Appropriate form of appeal—Whether tribunal's reasons adequate—Whether child proper party to appeal

S. (A Minor) v. Special Educational Needs Tribunal, Latham J. [1995] 1 W.L.R. 1627

Statutory duties

Children with special educational needs—Alleged failure by local authorities to assess and provide for special needs—Whether breach of statutory duty actionable in private law claim—Whether common law duty of care in negligence—Education Act 1944, ss. 8, 33(2), 34(1)—Education Act 1981, ss. 2, 4, 5, 7

X (Minors) v. Bedfordshire County Council,
H.L.(E.) [1995] 2 A.C. 633; [1995] 3 W.L.R. 152

Free transport—Child with special educational needs—Parental preference—Council refusing to continue to provide subsidised travel to school of parents' choice—Free transport offered to nearer suitable school—Whether council bound to continue to provide subsidised travel to parents' choice of school—Education Act 1944, ss. 39(2)(c), 55(1)

Reg. v. Essex County Council, Ex parte C., C.A. (1993) 93 L.G.R. 10

School

Closure

Voluntary aided school on private land—Owner of school site issuing notice terminating school's licence to occupy site within nine months—Whether licence terminable—Whether period of notice reasonable—Whether notice valid—Education Act 1944, s. 14(1)

Governing Body of the Henrietta Barnett School v. The Hampstead Garden Suburb Institute, Carnwath J. (1995) 93 L.G.R. 470

ELECTRICITY

Supply

Occupier of premises

Public electricity supplier supplying tariff customer—Electricity supplied to customer's premises—Supplier transferring to customer debt due in respect of other premises—Whether relationship between supplier and customer contractual—Whether special agreement—Electricity Act 1989, ss. 16, 22

Norweb Plc. v. Dixon, D.C. [1995] 1 W.L.R. 636

EMPLOYMENT

Contract of employment

Adoption

Administrators and administrative receivers expressly refusing to adopt contracts of employment—Administrators and receivers continuing to remunerate employees for more than 14 days after appointment—Some employees made redundant without notice—Whether contracts of employment "adopted"—Whether employees entitled to priority in respect of salary and other contractual payments—Insolvency Act 1986, ss. 19(5), 44(1)(b)

Powdrill v. Watson, H.L.(E.) [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] I.C.R. 1100

EMPLOYMENT—continued**Contract of employment—continued***Church minister*

Curate in Anglican parish—Claim of unfair dismissal—Whether curate employee
Coker v. Diocese of Southwark, Industrial Tribunal [1995] I.C.R. 563

Disciplinary proceedings

Different procedures for personal and professional conduct—Investigation into suspected personal misconduct—Employee refusing to attend interview without details of complaints—Disciplinary procedure for personal misconduct instituted—Charges including complaints of professional misconduct—Whether procedure appropriate—Whether employer to be restrained from proceeding with hearing

Kramer v. South Bedfordshire Community Health Care Trust,
 Lightman J. [1995] I.C.R. 1066

Service of, or for services

Employment agency—Applicant working under temporary contracts—Application to Secretary of State on involency of agency—Whether applicant “employee” of agency—Employment Protection (Consolidation) Act 1978, ss. 122, 153(1)

McMeechan v. Secretary of State for Employment, E.A.T. [1995] I.C.R. 444

Termination

Fixed term contract providing for two years’ notice or payment in lieu—Agreement on expiry for further two years “under terms of existing contract”—Whether agreement including term as to notice—Summary dismissal—Whether employee contractually entitled to payment in lieu—Whether duty to mitigate loss

Abrahams v. Performing Right Society Ltd., C.A. [1995] I.C.R. 1028

Dismissal*Discriminatory act*

Applicant summarily dismissed—Whether “employee” at time of subsequent internal appeal—Whether employers in rejecting appeal “refusing . . . to offer . . . employment”—Race Relations Act 1976, s. 4(1)(c)(2)

Post Office v. Adekeye, E.A.T. [1995] I.C.R. 540

Transfer of undertaking*Protection of employees*

Union complaint of failure to consult presented two weeks before transfer—Whether premature—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 10(2), 11(1)(8)

South Durham Health Authority v. Unison, E.A.T. [1995] I.C.R. 495

Relevant transfer

Company dissolved—Directors continuing to run business—Whether transfer effected by “some other disposition”—Transfer of Undertaking (Protection of Employment) Regulations 1981, reg. 3

Charlton v. Charlton Thermosystems (Romsey) Ltd., E.A.T. [1995] I.C.R. 56

Unfair dismissal

Applicants dismissed for reason connected with transfer not having two years’ continuous employment—Whether precluded from complaint of unfair dismissal—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 8(1)—Employment Protection (Consolidation) Act 1978, s. 64(1)(a) (as amended by Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1 and Unfair Dismissal (Variation of Qualifying Period) Order 1985—Council Directive (77/187/E.E.C.), art. 4(1)

Milligan v. Securicor Cleaning Ltd., E.A.T. [1995] I.C.R. 867

Employees dismissed by transferor for reason connected with transfer—Whether liability for unfair dismissals transferred to transferee to exclusion of transferor—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 5(2), 8(1)

Allan v. Stirling District Council, Ct. of Sess. [1995] I.C.R. 1082

Whether relevant transfer

Cleaning of bank premises performed by single employee contracted out—Whether transfer of “part of business”—Criteria for determining whether business transferred—Council Directive (77/187/E.E.C.), art. 1(1)

Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Keil und Cronshagen
 (Case C-392/92), E.C.J. [1995] I.C.R. 237

Company supplying personnel to council for specific services—Council providing equipment—Council taking over services and employing redundant employees on terminating agreement—Whether “transfer . . . of an undertaking”—Transfer of Undertakings (Protection of Employment) Regulations 1981, regs. 3(1), 5, 8(1)—Council Directive (77/187/E.E.C.), art. 1(1)

Council of the Isles of Scilly v. Brintel Helicopters Ltd., E.A.T. [1995] I.C.R. 249

EMPLOYMENT—continued**Transfer of undertaking—continued***Whether relevant transfer—continued*

Council contracting out school cleaning—Contractor employing 60 per cent. of former employees—Whether “transfer . . . of an undertaking”—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(1)—Council Directive (77/187/E.E.C.), art. 1(1) **Kelman v. Care Contract Services Ltd.**, E.A.T. [1995] I.C.R. 260

Hospital cleaning—Termination of company’s contract to provide cleaning services—Health authority awarding new contract to competitor—Whether “transfer . . . of an undertaking”—Transfer of Undertaking (Protection of Employment) Regulations 1981, reg. 2(1), 3—Council Directive (77/187/E.E.C.), art. 1(1)

Dines v. Initial Healthcare Services Ltd., C.A. [1995] I.C.R. 11

Local authority cleansing services contracted out—Whether services “in the nature of a commercial venture”—Whether “undertaking”—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(1)

U.K. Waste Control Ltd. v. Wren, E.A.T. [1995] I.C.R. 974

Unfair dismissal*Compensation**Apportionment of blame*

Employee contributing to own dismissal—Basic award reduced by 50 per cent. and compensatory by 100 per cent.—Whether inconsistent—Employment Protection (Consolidation) Act 1978, ss. 73(7B) (inserted by Employment Act 1980, s. 9(4) and amended by Employment Act 1982, Sch. 4), 74(6)

Charles Robertson (Developments) Ltd. v. White, E.A.T. [1995] I.C.R. 349

Assessment

Employee contributing to dismissal—Payment by employers in lieu of notice—Whether payment to be deducted before or after reduction for contributory conduct—Employment Protection (Consolidation) Act 1978, s. 74(1)(6)

Derwent Coachworks v. Kirby, E.A.T. [1995] I.C.R. 48

Ex gratia payment

Payment “incorporating your statutory redundancy entitlement”—Finding of unfair dismissal not due to redundancy—Whether basic award to be reduced by amount of payment—Employment Protection (Consolidation) Act 1978, s. 73(9)

Boorman v. Allmakes Ltd., C.A. [1995] I.C.R. 842

*Complaint**Dismissal with notice*

Complaint of unfair dismissal before expiry of notice—Employer summarily dismissing employee—Whether jurisdiction to entertain complaint—Employer attempting to impose contractual retirement age—Employee’s reasonable expectation—Whether any “normal retiring age”—Employment Protection (Consolidation) Act 1978, ss. 64(1)(b) (as substituted by Sex Discrimination Act 1986, s. 3(1)), 67(4)

Patel v. Nagesan, C.A. [1995] I.C.R. 988

Estoppel per rem judicatum

Complaint by part-time employee failing because employed less than five years—Subsequent complaint based on Community law—Whether res judicata—Whether second claim time-barred—E.E.C. Treaty, art. 119

Methilhill Bowling Club v. Hunter, E.A.T. [1995] I.C.R. 793

Time limit

Part-time employee’s claim excluded by national legislation—Legislation declared incompatible with Community law—Complaint 18 years after dismissal—Whether statutory time limit applicable—Whether claim time-barred—Employment Protection (Consolidation) Act 1978, s. 67(2)—E.E.C. Treaty, art. 119

Biggs v. Somerset County Council, E.A.T. [1995] I.C.R. 811

Salesman arranging with employers to sell products on commission following dismissal—Employers terminating arrangement after expiry of time limit—Complaint of unfair dismissal presented immediately—Whether “not reasonably practicable” to present complaint within time limit—Employment Protection (Consolidation) Act 1978, s. 67(2)

Birmingham Optical Group Plc. v. Johnson, E.A.T. [1995] I.C.R. 459

EMPLOYMENT—continued**Unfair dismissal—continued***Excluded classes**Period of employment*

Finding of unfair dismissal—Whether proof of two years' continuous employment precondition to tribunal's jurisdiction—Whether appropriate to allow employer to raise issue on appeal—Employment Protection (Consolidation) Act 1978, ss. 54, 64(1)(a) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985, art. 3(1)) **Leicester University Students' Union v. Mahomed**, E.A.T. [1995] I.C.R. 270

Part-time employee working alternate weeks—Whether excluded from making unfair dismissal claim—Whether employee's ability to comply with discriminatory condition relevant—Employment Protection (Consolidation) Act 1978, ss. 64(1)(a) (as amended by Unfair Dismissal (Variation of Qualifying Period) Order 1985, para. 3 and Trade Union and Labour Relations (Consolidation) Act 1992, Sch. 1), 151(1), Sch. 13, para. 1(1) (as substituted by Employment Act 1982, Sch. 2, para. 7)—E.E.C. Treaty, art. 119 **Colley v. Corkindale**, E.A.T. [1995] I.C.R. 965

Part-time employee's complaint dismissed on finding of insufficient weekly hours—Employee not appealing until House of Lords' decision in his favour—Appeal two years out of time—Whether health authority precluded from relying on delay—Whether time to be extended—Employment Appeal Tribunal Rules 1993, r. 37(1) **Setiya v. East Yorkshire Health Authority**, E.A.T. [1995] I.C.R. 799

*Reasonableness of dismissal**Misconduct*

Final written warning—Warning to remain on file for 12 months "from" date thereof—Whether date of warning first day of 12-month period **Bevan Ashford v. Malin**, E.A.T. [1995] I.C.R. 453

*Redundancy**Dismissal on ground of redundancy*

Offer of further employment accepted—Employee resigning on failure to agree terms—Complaint of unfair dismissal—Whether dismissal to be disregarded—Employment Protection (Consolidation) Act 1978, s. 84(1) **Ebac Ltd. v. Wymer**, E.A.T. [1995] I.C.R. 466

Selection for redundancy

Failure to consult employee prior to dismissal—No evidence of decision by employer that consultation pointless—Whether dismissal fair—Employment Protection (Consolidation) Act 1978, s. 57(3) (as amended by Employment Act 1980, s. 6) **Duffy v. Yeomans & Partners Ltd.**, C.A. [1995] I.C.R. 1

*Re-engagement**Obligation to inquire as to*

Employee seeking compensation—Industrial tribunal making award without asking whether employee wishing order for reinstatement or re-engagement—Whether decision nullity—Employment Protection (Consolidation) Act 1978, s. 68(1) **Cowley v. Manson Timber Ltd.**, C.A. [1995] I.C.R. 367

*Trade union**Membership agreement*

Employee using union representative to ascertain terms of employment—Whether distinction between union membership and using union services—Whether open to tribunal to find union membership reason for dismissal—Employment Protection (Consolidation) Act 1978, s. 58(1)(a) (as substituted by Employment Act 1982, s. 3) **Discount Tobacco & Confectionery Ltd. v. Armitage**, E.A.T. [1995] I.C.R. 431

EQUITY**Equitable assignment***Right of action*

Plaintiffs in action equitably assigning claims—Assignees joined as non-claiming plaintiffs—Whether sufficient cause of action—Whether plaintiffs entitled to bring claim in absence of claim by assignees

Three Rivers District Council v. Governor and Company of the Bank of England, C.A. [1995] 3 W.L.R. 650

EQUITY—continued**Equitable interest***Illegality*

Father voluntarily transferring shares to son for no consideration for purpose of deceiving creditors—Illegal purpose not carried into effect—Son refusing to retransfer shares—Father claiming right to beneficial interest in shares—Whether father entitled to rebut presumption of advancement by showing intention to retain beneficial interest—Whether action for restitution maintainable at law or in equity **Tribe v. Tribe**, C.A. [1995] 3 W.L.R. 913

Tracing*Knowing receipt of trust property*

Plaintiff victim of massive share fraud—Assets specifically traceable to defendant—Plaintiff bringing action to recover £2.325m. from defendant based on its knowing receipt of assets traceable in equity—Whether rights of third parties to be raised as defence to tracing claim—Whether plaintiff's equitable right extending to whole sum—Whether plaintiff entitled to recover part only with balance belonging in equity to other victims of share fraud **El Ajou v. Dollar Land Holdings Plc. (No. 2)**, Walker J. [1995] 2 All E.R. 213

EUROPEAN COMMUNITY**Council Directive***Implementation*

Enforcement against member state—Member state in breach of obligation to implement Directive by prescribed date—Directive conferring rights on employees—Whether rights enforceable by employee before national court—Whether state liable to compensate employee for loss caused by failure to implement Directive—Council Directive (80/987/E.E.C.), art. 5—E.E.C. Treaty, art. 189

Francovich v. Italian Republic (Case C-6/90), E.C.J. [1995] I.C.R. 722

Enforcement against member state—Whether governing body of voluntary-aided school emanation of state—Council Directive (77/187/E.E.C.), arts. 1, 3

National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School, E.A.T. [1995] I.C.R. 317

Free competition*Quantitative restriction*

Chief Constable reducing protection to live animal exporters against demonstrators—Whether Chief Constable's decision discriminatory against exports within Community—Whether measure having effect equivalent to quantitative restriction on exports—Whether effect of civil disturbances affording public policy defence—E.C. Treaty, arts. 34, 36

Reg. v. Chief Constable of Sussex, Ex parte International Trader's Ferry Ltd., D.C. [1995] 3 W.L.R. 802

Restriction or distortion of competition

Parent company selling products through subsidiaries established in member states—Subsidiaries having separate legal personalities but no real autonomy—Whether competition rules applicable—E.E.C. Treaty, art. 85(1)

Viho Europe B.V. v. Commission of the European Communities (Case T-102/92), C.F.I. [1995] I.C.R. 1051

Free movement of workers*Income tax on employees*

National legislation taxing employees resident in another member state more heavily than resident employees—Benefit of annual tax adjustment and assessment not available to non-residents—Taxpayer's personal and family circumstances taken into account in neither state of employment nor state of residence—Whether member states' rights in relation to taxation of nationals of another member state limited by principle of free movement of workers—Whether unjustified discrimination in national legislation—E.E.C. Treaty, art. 48

Finanzamt Köln-Altstadt v. Schumacker (Case C-279/93), E.C.J. [1995] 3 W.L.R. 498

Freedom of movement*National security* see JUDICIAL REVIEW: Crown**Social security***Equal treatment provisions for men and women*

Claim for benefit arrears after finding national legislation discriminatory—Arrears limited by national legislation to 12 months prior to claim—Whether limitation to be disapplied from date for implementation of relevant Directive—Social Security Act 1975, s. 165A(3) (as inserted by Social Security Act 1985, s. 17)—Council Directive (79/7/E.E.C.), art. 8(1)

Johnson v. Chief Adjudication Officer, E.C.J. [1995] I.C.R. 375

EUROPEAN COURT OF JUSTICE

Reference to

Jurisdiction

Restitution claim in England against Scottish local authority—Issue whether English court having jurisdiction—Requiring interpretation of provisions of United Kingdom conflict of laws legislation modelled on Brussels Convention—Question referred seeking interpretation of equivalent Convention provisions—Whether Court of Justice having jurisdiction to give preliminary ruling—Civil Jurisdiction and Judgments Act 1982, ss. 16(3)(a), 47, Schs. 1, 2, 4
Kleinwort Benson Ltd. v. Glasgow City Council (Case C-346/93),
 E.C.J. [1995] 3 W.L.R. 866

EVIDENCE

Documentary

Transcript of judge's summing up in criminal trial

Whether admissible in evidence in subsequent civil proceedings—Civil Evidence Act 1968, ss. 2(1), 4(1), 11(2)(b)
Brinks Ltd. v. Abu-Saleh (No. 2), Rimer J. [1995] 1 W.L.R. 1487

Witness statements

Abuse of procedure

Exchange of witnesses' statements—Statements standing as witnesses' evidence-in-chief—Abuse of procedure—Primary responsibility to prevent abuse laying with parties' solicitors—Need for means of investigating responsibility
ZYX Music G.m.b.H. v. King, Lightman J. [1995] 3 All E.R. 1

Admissibility

Plaintiffs claiming damages for breach of duty in contract and tort in respect of purchase of reinsurance companies—Witness unable to recall some of events described in witness statement—Evidential status of witness statement—Whether admissible—Civil Evidence Act 1968, s. 2—R.S.C., Ord. 38, r. 21

Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow (No. 2),
 Colman J. [1995] 2 Lloyd's Rep. 404

EXECUTION

Charging order on land

Joint owners

Priority between successive equitable chargees—Charging order absolute against husband's interest—Prior purported charge of property by husband without wife's knowledge—Whether later chargee to prevail—Whether priority dependent on date of notice to wife
United Bank of Kuwait Plc. v. Sahib, Chadwick J. [1995] 2 W.L.R. 94

Garnishee proceedings

Application to set orders aside see INTERNATIONAL LAW: **Treaty: International organisation**

Commission of European Communities intervening

Sums held in S.I.P. account subject to garnishee order nisi—Money in account provided by Communities—Whether amount in account subject to trust or equitable interest—Whether Community law precluding order from being made absolute—Whether proper exercise of discretion if order made absolute

Philipp Brothers v. Republic of Sierra Leone, C.A. [1995] 1 Lloyd's Rep. 289

EXTRADITION

Committal proceedings

Evidence

Exclusion of unfair evidence—Alleged accomplices' statements forming substance of case against fugitive—Accomplices making plea agreements with prosecution in United States in return for reduced sentences—Whether stipendiary magistrate having discretion to exclude evidence for having adverse effect on fairness of proceedings—Police and Criminal Evidence Act 1984, s. 78

Reg. v. Governor of Belmarsh Prison, Ex parte Francis, D.C. [1995] 1 W.L.R. 1121

Telephone intercept—Evidence against applicant contained in telephone calls intercepted in United States—No evidence that telecommunications operator in United Kingdom involved—Whether interception by non-resident outside U.K. creating offence triable in U.K.—Whether evidence of telephone intercept abroad admissible—Interception of Communications Act 1985, ss. 1, 9, 10(2)

Reg. v. Governor of Belmarsh Prison, Ex parte Martin, D.C. [1995] 1 W.L.R. 412

FACTORY

Eyes

Protection

Employee applying glaze to jars by compressed air spray—No system of inspection before glaze applied to interiors—No goggles or shield provided—Employee injured by particle flying out of jar—Whether injury foreseeable—Whether duty to provide protection—Factories Act 1961, s. 65—Protection of Eyes Regulations 1974, reg. 5, Sch. 1, Pt. III, para. 27—**Gerrard v. Staffordshire Potteries Ltd.**, C.A. [1995] I.C.R. 502

FINANCIAL SERVICES

Compensation

Statutory scheme

Investors suffering losses as result of advice given by broker in contravention of Act—Moneys received and expended in reliance on soundness of investment—Whether recoverable—Whether limit on professional fees incurred in mitigating loss lawful—Whether elements not essential for fair compensation to be excluded from investors' claims—Financial Services (Compensation of Investors) Rules 1990, r. 2.04

Reg. v. Investors Compensation Board, *Ex parte Bowden*, H.L.(E.) [1995] 3 W.L.R. 289

Restricted information

Disclosure

Securities and Investments Board allegedly disclosing restricted information—Whether disclosure actionable at suit of persons from whom it was obtained or to whom it related—Whether disclosure made in bad faith—Financial Services Act 1986, ss. 179, 187(3)

Melton Medes Ltd. v. Securities and Investments Board,
Lightman J. [1995] Ch. 137; [1995] 2 W.L.R. 247

Unlicensed dealer

Validity of contract

Investment management agreements signed by respondent's unlicensed representative—Effect on agreements of failure to comply with statutory licensing requirements—Whether public interest under statute requiring agreements to be struck down—Whether agreements void—Prevention of Fraud (Investments) Act 1958, s. 1

Hughes v. Asset Managers Plc., C.A. [1995] 3 All E.R. 669

GAMING

Contract

Interest rate swap agreement

Whether swap agreement constituting contract by way of wagering—Gaming Act 1845, s. 18—Gaming Act 1892, s. 1

Morgan Grenfell & Co. Ltd. v. Welwyn Hatfield District Council,
Hobhouse J. [1995] 1 All E.R. 1

GUARANTEE

Local authority's guarantee: *see* LOCAL GOVERNMENT: Powers: Financial transaction

Performance guarantee

Enforcement

Purchase of business—Part of price secured by guarantee—Buyers alleging fraud by sellers—Action for rescission or damages—Guarantor not party to action—Whether sellers to be restrained from enforcing guarantee pending trial

Themehelp Ltd. v. West, C.A. [1995] 3 W.L.R. 751

HACKNEY CARRIAGE

Licence

Conditions

Private hire vehicle—Licensing authority introducing consultation process following disputes between hackney carriage operators and private hire vehicle operators—New condition attached to private hire vehicle licence without consultation—Whether fair—Condition prohibiting private hire vehicle unless pre-booked standing on private land to which persons have access—Whether reasonable—Whether judicial review appropriate—Local Government (Miscellaneous Provisions) Act 1976, ss. 48(2)(7), 5(2), 55(3)

Reg. v. Blackpool Borough Council, *Ex parte Red Cab Taxis Ltd.*,
Judge J. [1994] R.T.R. 402

HEALTH AND SAFETYReporting injuries *see* PUBLIC HEALTH**Statutory offence***Employer's liability*

Employer engaging independent contractor to effect repairs to plant—Safety equipment provided by employer—Whether work within employer's "conduct" of its "undertaking"—Health and Safety at Work etc. Act 1974, s. 3(1)

Reg. v. Associated Octel Co. Ltd., C.A. [1995] I.C.R. 281

Subcontractors' workman supervised by corporate employer's section engineer—Employer's duty not to expose to risk to health or safety—Whether discharged by senior management taking all reasonable care—Health and Safety at Work etc. Act 1974, s. 3(1)

Reg. v. British Steel Plc., C.A. [1995] 1 W.L.R. 1356

Whether giving rise to civil cause of action see INSURANCE: **Liability insurance: Employer's liability**

HIGH COURT**Jurisdiction***Declaratory relief*

Norwegian citizen residing with plaintiff in England—Incapacitated by stroke and living in private hospital—Family decision to remove to Norway—Plaintiff seeking declaration that removal unlawful and injunction to restrain removal—Whether jurisdiction to grant declaration—Whether plaintiff having locus standi—Whether interlocutory injunction to be granted pending trial

In re S. (Hospital Patient: Court's Jurisdiction),

Hale J. [1995] Fam. 26; [1995] 2 W.L.R. 38

C.A. [1995] 3 W.L.R. 78

Patient in private hospital in England—Norwegian citizen physically and mentally incapacitated by stroke—Norwegian court appointing guardian—Whether appointment to be recognised by English court—Whether proposals of foreign guardian for future care of patient to be considered—Whether best interests of patient requiring future care in Norway or in England **In re S. (Hospital Patient: Foreign Curator),** Hale J. [1995] 3 W.L.R. 596

HIGHWAY**Duty to maintain highway***Country road*

Heavy lorries depositing wet mud on road surface—Whether breach of statutory duty to maintain highway—Whether reasonable care taken by highway authority to ensure no danger to traffic—Highways Act 1980, ss. 41, 58(1)

Misell v. Essex County Council, Colman J. (1994) 93 L.G.R. 108

Non-repair *see* Duty to maintain highway**Nuisance***Thing "deposited" on highway*

Street trader's barrow with brazier for sale of chestnuts to public—Whether "unlawfully deposited" on highway—Highways Act 1980, s. 149(1)(2)

Scott v. Westminster City Council, C.A. [1995] R.T.R. 327

Right of way*Definitive map modification order*

Footpath—Proposed deletion of whole footpath where only part incorrectly shown—Existence of part not disputed but precise route unknown—Whether power to confirm order—Wildlife and Countryside Act 1981, s. 53

Reg. v. Secretary of State for the Environment, Ex parte Kent County Council,

Turner J. (1994) 93 L.G.R. 322

HONG KONG**Bill of Rights***Retrospective criminal law*

Right to benefit from substitution of lighter penalty—Possession of prohibited articles—Offence reformulated before defendant's conviction and sentence—New offence established with greater maximum penalty where intent to use articles proved—Agreed facts showing defendant possessing prohibited articles with intent to use—Defendant sentenced in accordance with maximum provided for new offence of possession with intent—Whether sentence within permitted maximum—Hong Kong Bill of Rights Ordinance 1991, s. 8, art. 12(1)—Crimes Ordinance, ss. 76(2), 76A(1)—Crimes (Amendment) Ordinance, ss. 75(1)(2), 76(1)(2)

Chan Chi-hung v. The Queen, P.C. [1995] 3 W.L.R. 742

HONG KONG—continued**Costs***Lands Tribunal*

Claim for compensation for resumption—Settlement offer “without prejudice save as to costs”—Non-acceptance by claimant—No payment into court—Whether Lands Tribunal entitled to take offer into consideration in awarding costs—R.S.C. (Hong Kong), Ord. 22, rr. 1(1), 14; Ord. 62, r. 5 **Director of Buildings and Lands v. Shun Fung Ironworks Ltd.**, P.C. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404

Crime*Evidence*

Prosecution calling witness awaiting sentence in separate trial for unrelated offence—Witness giving evidence in expectation of receiving reduced sentence—Whether conviction founded on witness's evidence to stand **Chan Wai-keung v. The Queen**, P.C. [1995] 1 W.L.R. 251

Land*Resumption*

Claimant's land resumed by Crown—Claimant suffering loss and damage to business—Whether compensation to be assessed on basis of extinguishment or relocation of business—Whether compensation payable for injury to goodwill—Whether loss sustained prior to resumption order “due to” resumption—Proper interest rate—Crown Lands Resumption Ordinance, ss. 10(1)(2)(a)(d), 17(3)(3A) **Director of Buildings and Lands v. Shun Fung Ironworks Ltd.**, P.C. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404

HOUSE OF LORDS**Practice***Costs, interest on*

Costs orders in legal aid cases—Definition of “counsel”—House of Lords (Directions for Taxation of Bills of Costs), dir. 20(a)—House of Lords (Practice Directions applicable to Civil Appeals), dirs. 10.2, 20.3, 37 **Practice Direction (House of Lords: Amendments to Procedure) (No. 2)**, H.L. [1995] 1 W.L.R. 1145

Petitions

Inadmissible petitions—Contempt of court—Cause titles—House of Lords (Directions as to Procedure applicable to Civil Appeals), dirs. 1, 2, 3, 4, 10—House of Lords (Directions as to Procedure applicable to Criminal Appeals), dirs. 1, 2, 5, 12 **Practice Direction (House of Lords: Amendments to Procedure)**, H.L. [1995] 1 W.L.R. 422

HOUSING**Housing benefit***Eligibility*

Claimant and cohabitee in unsatisfactory council accommodation—Cohabitee's father buying house and letting to claimant—Benefit review board rejecting claimant's application in letter signed by board's secretary and approved by chairman—Whether letter record by chairman of board's decision—Whether claimant's liability to pay rent treatable as “created to take advantage of the housing benefit scheme”—Housing Benefit (General) Regulations 1987, regs. 7, 83 **Reg. v. Solihull Metropolitan Borough Council Housing Benefit Review Board**, *Ex parte Simpson*, C.A. (1994) L.G.R. 719

Claimants living in community houses run by church—Board and lodging rates laid down—Conditions of residence including matters of faith and behaviour—Whether residence agreement “on a commercial basis”—Whether claimants entitled to benefit—Housing Benefit (General) Regulations 1987, reg. 7(1)(a)(ii) **Reg. v. Sheffield City Council Housing Benefit Review Board**, Blackburne J. (1994) 93 L.G.R. 139

Residential care homes*Closure*

Local authority proposing to close homes contrary to wishes of residents—Whether local authority under duty to consult permanent residents prior to making decision on closure—Whether duty to consult part of duty to act fairly **Reg. v. Devon County Council**, *Ex parte Baker*, C.A. [1995] 1 All E.R. 73

HOUSING—continued**Secure tenancy***Claim for possession*

Joint weekly tenancy—Wife leasing house—Husband obtaining injunction that wife not to exclude him from house—Wife giving notice to council terminating joint tenancy—Council seeking possession order from husband—Whether proceedings abuse of process—Whether council entitled to possession

Harrow London Borough Council v. Johnstone, C.A. (1995) 93 L.G.R. 435

Possession order—Issue of warrant—Eviction of tenant following execution of warrant—Application by tenant to set aside—Whether court empowered to grant relief—Effect of possible oppression on executing warrant—Housing Act 1985, s. 85(2)

Hammersmith and Fulham London Borough Council v. Hill, C.A. (1994) 92 L.G.R. 665

HUSBAND AND WIFE**Divorce***Foreign decree, recognition of*

Jewish get of divorce written in England

Get delivered to wife by formal proceedings in Israel—Divorce effective in Israel—Whether overseas divorce only to be recognised if divorce proceedings instituted in country where divorce “obtained”—Whether get entitled to recognition in United Kingdom—Family Law Act 1986, s. 46(1)

Berkovits v. Grinberg (Attorney-General Intervening), Wall J. [1995] Fam. 142; [1995] 2 W.L.R. 553

Financial provision*Conduct of parties**Void marriage*

Grant of decree of nullity on ground of bigamy—Claim for ancillary relief by way of lump sum—Whether claim precluded on ground of public policy—Matrimonial Causes Act 1973, s. 25(2)(g) (as substituted by Matrimonial and Family Proceedings Act 1984, s. 3)

Whiston v. Whiston, C.A. [1995] Fam. 198; [1995] 3 W.L.R. 405

*Leave to apply**Foreign decree*

Californian court making final clean break order—Order implemented by husband—Wife returning to live in England—Temporary resumption of cohabitation—Wife seeking leave to apply for financial relief—Whether leave to be granted—Matrimonial and Family Proceedings Act 1984, s. 13(1)

Hewitson v. Hewitson, C.A. [1995] Fam. 100; [1995] 2 W.L.R. 287

Matrimonial home*Beneficial interests**Absence of agreement*

Husband sole owner at law—No agreement regarding beneficial ownership of property—Husband's parents making wedding gift of money towards purchase of home—Wife contributing half-share in wedding gift—Whether wife's beneficial interest limited to percentage of purchase price contributed—Whether court to infer intention to share beneficial interest in different proportions—Whether admitted absence of agreement preventing court from inferring agreement

Midland Bank Plc. v. Cooke, C.A. [1995] 4 All E.R. 562

Settlement*Variation**Post-nuptial settlement*

Incorporation of husband's company after marriage—Pension fund set up for husband—Pension fund rules allowing for provision of widow's pension—Whether post-nuptial settlement—Whether power to vary—Matrimonial Causes Act 1973, s. 24(1)(c)

Brooks v. Brooks, H.L.(E.) [1995] 3 W.L.R. 141

IMMIGRATION**Deportation***Conducive to public good*

Secretary of State refusing asylum and ordering deportation—Whether Secretary of State required to balance risk to national security against risk to individual if deported—Whether decision to deport irrational—Statement of Changes in Immigration Rules 1990 (H.C. 251), paras. 161, 164, 167—Convention and Protocol relating to Status of Refugees (1951) (Cmd. 9171) and (1967) (Cmd. 3906), art. 33

Reg. v. Secretary of State for the Home Department, Ex parte Chahal, C.A. [1995] 1 W.L.R. 526

IMMIGRATION—continued**Illegal entrant***Application for asylum*

Applicant involved in terrorist acts in country where persecution feared—Secretary of State refusing asylum—Whether serious reasons for considering applicant guilty of “serious non-political crime”—Whether applicant excluded from asylum—Geneva Convention and Protocol relating to Status of Refugees (1951) (Cmd. 9171) and (1967) (Cmd. 3906), arts. 1F, 33 **T. v. Secretary of State for the Home Department**, C.A. [1995] 1 W.L.R. 545

Work permit

Improper issue by government official to third party acting in good faith—Immigrant producing permit to gain entry without knowledge of improper issue—Immigrant committing no offence—Whether entry in breach of immigration laws—Whether illegal entrant—Immigration Act 1971, ss. 3(1), 33(1)

Reg. v. Secretary of State for the Home Department, Ex parte Ku,
C.A. [1995] Q.B. 364; [1995] 2 W.L.R. 589

INDUSTRIAL RELATIONS**Employment Appeal Tribunal***Appeal to*

Application for extension of time in which to appeal—Principles applicable—Employment Appeal Tribunal Rules 1993, r. 37

United Arab Emirates v. Abdelghafar, E.A.T. [1995] I.C.R. 65

Industrial tribunals*Complaint*

Amendment—Application to join additional respondent after expiration of time limit—Whether at discretion of tribunal—Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993, Sch. 1, r. 17(2)

Drinkwater Sabey Ltd. v. Burnett, E.A.T. [1995] I.C.R. 328

Jurisdiction

Foreign High Commission returning blank appearance form via Foreign Office—Covering note refuting claim—Subsequent claim of immunity—Whether notice of appearance entered—Whether submission to jurisdiction—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 1, r. 3(1)

London Branch of the Nigerian Universities Commission v. Bastians,
E.A.T. [1995] I.C.R. 358

Notice of appearance

Respondents failing to enter notice of appearance in time—Correct procedure—Industrial Tribunals (Rules of Procedure) Regulations 1985, Sch. 1, rr. 3, 13(1)

Charlton v. Charlton Thermosystems (Romsey) Ltd., E.A.T. [1995] I.C.R. 56

Procedure

Discovery and inspection of documents—Complaints of unfair dismissal—Numerous claims against same employer—Employees selected for redundancy by graded assessment system—Whether discovery of assessments of non-redundant employees to be ordered in selecting sample cases

British Aerospace Plc. v. Green, C.A. [1995] I.C.R. 1006

Trade union activities*Action (short of dismissal)*

Derecognition of union—Offer of wage increase to employees signing new contracts—Whether employers' omission to pay increase to employees refusing to sign “action” taken against them as individuals—Whether “purpose” of employers' action to deter or penalise union membership—Employment Protection (Consolidation) Act 1978, ss. 23(1)(a) (as amended by Employment Act 1988, s. 33, Sch. 4), 153(1)

Associated Newspapers Ltd. v. Wilson,
H.L.(E.) [1995] 2 A.C. 454; [1995] 2 W.L.R. 354

Refusal of employment

Applicant refused employment because of past union activities—Whether open to tribunal to find union membership reason for refusal—Trade Union and Labour Relations (Consolidation) Act 1992, s. 137(1)

Harrison v. Kent County Council, E.A.T. [1995] I.C.R. 434

INJUNCTION**Damages in lieu***Breach of restrictive covenant*

Dwelling house built by owner of adjoining land—Sole access by means of adjoining land and private roadway—Such user constituting breach of covenant and trespass over private roadway—No interim relief sought—Whether damages in lieu appropriate—Quantum

Jaggard v. Sawyer, C.A. [1995] 1 W.L.R. 269

INJUNCTION—continued**Domestic violence***Power of arrest*

Acts of violence committed while unmarried parties living together as husband and wife—Parties ceasing to live together—Grant of non-molestation injunction—Suspended prison sentence for non-violent breaches of injunction—Whether sentence excessive—Whether jurisdiction to attach power of arrest to fresh injunction—Domestic Violence and Matrimonial Proceedings Act 1976, s. 2 **McCann v. Wright**, C.A. [1995] 1 W.L.R. 1556

Interlocutory*Action for declaration*

Plaintiff Welsh football clubs joining English football association to take part in English competitions—Welsh football association refusing to allow plaintiffs to play home matches—Welsh association's decisions resulting in loss of revenue—Plaintiffs seeking declaration that Welsh association's decisions in unreasonable restraint of trade and interlocutory injunction to allow them to play home matches following season—Whether court having jurisdiction to grant interlocutory injunction where claim for declaration only **Newport Association Football Club Ltd. v. Football Association of Wales Ltd.**, Jacob J. [1995] 2 All E.R. 87

Jurisdiction to grant

Threats of violence and harassment by defendant at plaintiff's house—County court action for nuisance—Interlocutory injunction excluding defendant from vicinity of plaintiff's home—Whether jurisdiction to grant—Whether exclusion zone appropriate—Supreme Court Act 1981, s. 37—County Courts Act 1984, s. 38 (as substituted by Courts and Legal Services Act 1990, s. 3) **Burris v. Azadani**, C.A. [1995] 1 W.L.R. 1372

Performance guarantee *see* **GUARANTEE****Mareva injunction***Cross-undertaking in damages*

Injunction discharged by consent—Inquiry into damages—Court's discretion to award damages—Whether left to judge holding inquiry **Balkanbank v. Taher**, C.A. [1995] 1 W.L.R. 1056

Jurisdiction

Arbitration award—*Mareva* injunction applying only to assets within jurisdiction but disclosure of assets worldwide required—Whether court having power to grant injunction to enforce arbitration award—Whether power extending to order disclosure of assets abroad—Whether appropriate before award converted into judgment—Arbitration Act 1950, ss. 12(6)(f), 26—Supreme Court Act 1981, s. 37(1)

Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda., Colman J. [1995] 1 W.L.R. 299

Child support maintenance order—Whether Secretary of State's right to apply for liability order amounting to cause of action enabling High Court to grant interlocutory relief—Whether jurisdiction to grant injunction—Child Support Act 1991, ss. 1(3), 31(2), 33(2)

Department of Social Security v. Butler, C.A. [1995] 1 W.L.R. 1528

Mareva injunction sought in aid of foreign proceedings having no connection with home territory—Defendant having assets within home territory—Whether service on defendant outside jurisdiction of writ claiming only *Mareva* relief permissible—R.S.C., Ord. 11, r. 1(1)(b)(m) **Mercedes Benz A.G. v. Leiduck**, P.C. [1995] 3 W.L.R. 718

Variation

Application by bank not party to action—World-wide *Mareva* obtained against defendants' accounts held with bank—Whether bank entitled to vary order to protect itself in circumstances where its subsidiary might make payment to defendants

Baltic Shipping Co. v. Translink Shipping Ltd., Clarke J. [1995] 1 Lloyd's Rep. 673

INSOLVENCY**Transaction at undervalue***Preconditions for order*

Farm consisting of freehold and leasehold land—Tenancy of freehold land granted for annual rent payable in arrears—Leasehold assigned for consideration of £1—Whether transactions at undervalue—Whether prejudicing creditor's interests—Insolvency Act 1986, s. 423

Barclays Bank Plc. v. Eustice, C.A. [1995] 1 W.L.R. 1238

INSOLVENCY—continued**Winding up***Disposition of property*

Bank collecting cheques on behalf of company in liquidation—Company's account at bank in credit—Bank paying moneys into company's account—Whether payments "disposition of the company's property"—Whether void—Insolvency Act 1986, s. 127

In re Barn Crown Ltd., Judge Rich Q.C. [1995] 1 W.L.R. 147

Petition

Advertisement—Petition to wind up solvent companies on public interest grounds—Companies applying to restrain advertisement until after hearing of application to appoint liquidator—Whether discretion to order restraint—Whether sufficient reason shown to depart from normal practice of advertisement—Insolvency Act 1986, s. 124A (as inserted by Companies Act 1989, s. 60(3))—Insolvency Rules 1986, r. 4.11(1)

In re A Company (No. 007923 of 1994), C.A. [1995] 1 W.L.R. 953

INSURANCE**Contract***Construction*

Banker's policy covering for theft committed by "persons present" on assured's premises—Agreement with chairman of company customer for replacement of securities—Plaintiff handing over securities to innocent junior employee in response to chairman's request—Securities never replaced—Chairman subsequently charged with fraudulent trading—Whether theft committed by persons present on plaintiff's premises—Law of Property Act 1925, s. 61

Deutsche Genossenschaftsbank v. Burnhope, H.L.(E.) [1995] 1 W.L.R. 1580

Illegality

Unauthorised insurance business—Plaintiffs claiming under stop-loss policies—Insurers alleging policies illegal and void—Whether policies enforceable by virtue of financial services legislation—Whether loss too remote—Financial Services Act 1986, s. 132

Bates v. Barrow Ltd., Gatehouse J. [1995] 1 Lloyd's Rep. 680

Indemnity*Consequential loss policy*

Development of building—Architects' plans and drawings destroyed by fire—Plaintiffs claiming costs of reproducing plans and revenue lost by delay in completion—Whether plaintiffs having insurable interest—Whether able to recover under policy

Glengate-K.G. Properties Ltd. v. Norwich Union Fire Insurance Society, Phillips J. [1995] 1 Lloyd's Rep. 278

Liability insurance*Contractors All Risks*

Plaintiffs contractually bound to carry out works at docks—Defects in design material and workmanship—Plaintiffs required to remedy defects—Whether rectification of defects within insurance cover

Cementation Piling and Foundations Ltd. v. Aegon Insurance Co. Ltd., C.A. [1995] 1 Lloyd's Rep. 97

Subsidence damage to buildings—Insurers alleging risk represented as one involving piled foundations—Buildings constructed with spread foundations—Whether misrepresentation and/or non-disclosure—Whether insurers entitled to avoid liability

St. Paul Fire & Marine Insurance Co. (U.K.) Ltd. v. McConnell Dowell Constructors Ltd., C.A. [1995] 2 Lloyd's Rep. 116

Employer's liability

Company failing to insure against liability for injury to employees—Plaintiff employee injured in course of work—Whether plaintiff having civil cause of action against company or its officers for breach of statutory duty to insure—Employers' Liability (Compulsory Insurance) Act 1969, ss. 1(1), 5

Richardson v. Pitt-Stanley, C.A. [1995] Q.B. 123; [1995] 2 W.L.R. 26; [1995] I.C.R. 303

Lloyd's*Managing agent*

Duty to syndicate members—Conduct and management of underwriting—Managing agents negligent in arranging reinsurance—Nature of duty—Whether members' agents owing duty of care concurrent with contractual duty in respect of managing agents' negligence—Whether managing agents owing tortious duty of care to members of syndicate from time to time

Aiken v. Stewart Wrightson Members Agency Ltd., Potter J. [1995] 1 W.L.R. 1281

INSURANCE—continued**Marine***Cargo*

Egyptian authorities rejecting cargo of meat—Meat resold to Russia—Lower E.E.C. subsidy applicable to Russia—Plaintiffs claiming loss of part of subsidy—Whether plaintiffs having to prove rejection of meat caused by peril insured against

Agra Trading Ltd. v. McAuslin, Colman J. [1995] 1 Lloyd's Rep. 182

Constructive total loss

Fire breaking out on vessel—Shipowner claiming under policy—Underwriters alleging vessel deliberately set on fire with shipowner's connivance—Whether allegation proved to relevant standard—Responsibilities of expert witnesses—Whether underwriters liable

National Justice Compania Naviera S.A. v. Prudential Assurance Co. Ltd., C.A. [1995] 1 Lloyd's Rep. 455

Fire in vessel's engine room—Vessel constructive total loss—Claim under insurance—Whether vessel sent to sea in unseaworthy state with privity of assured—Whether plaintiffs in breach of duty of utmost good faith

Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd., Tuckey J. [1995] 1 Lloyd's Rep. 651

Indemnity

Cargo shipped from defendant's refinery to I.C.I.—Cargo contaminated—Defendants settling I.C.I.'s claim and cargo insurance assigned to defendants—Whether payment "gift"—Whether amounting to full indemnity—Whether defendants entitled to claim under policy as assignees—Whether defendants co-assured

Colonia Versicherung A.G. v. Amoco Oil Co., Potter J. [1995] 1 Lloyd's Rep. 570

Loss of earnings insurance

Reefer vessel insured with defendants—Damage to generator discovered—Plaintiffs claiming under policy—Defendants alleging vessel due for lay up and cover not applicable—Whether vessel waiting for appropriate employment—Whether plaintiffs having insurable interest

Cepheus Shipping Corpn. v. Guardian Royal Exchange Assurance Plc., Mance J. [1995] 1 Lloyd's Rep. 622

Subrogation

Vessel carrying cargo of naptha exploding—Cargo insurers paying cargo owner's liability under salvage agreement and for loss of cargo—Insurer waiving rights of subrogation against subsidiary or affiliate—Whether waiver extending to c.i.f. buyer—Whether insurers able to recover moneys from defendants

The Surf City, Clarke J. [1995] 2 Lloyd's Rep. 242

Non-disclosure*Joint life insurance*

Plaintiff and fiancée both suffering from cystic fibrosis—Not disclosed on proposal form but brokers given all relevant information—Whether insurers having actual or constructive knowledge—Whether broker agents of insurers or insured—Whether insurers entitled to avoid policy

Winter v. Irish Life Assurance Plc., Sir Peter Webster [1995] 2 Lloyd's Rep. 274

Reinsurance*Arbitration award*

Reinsurers avoiding policy for non-disclosure—Dispute referred to arbitration—Award obtained against leading reinsurer—Whether defendants entitled to show award and reasons to other reinsurers

Insurance Co. v. Lloyd's Syndicate, Colman J. [1995] 1 Lloyd's Rep. 272

Non-disclosure

Clause in contract that contract neither cancellable nor voidable by either party—Defendants alleging non-disclosure and misrepresentation—Whether defendants entitled to avoid contracts—Whether plaintiffs entitled to summary judgment

Toomey v. Eagle Star Insurance Co. Ltd. (No. 2), Colman J. [1995] 2 Lloyd's Rep. 88

Transfer of business

Scheme to transfer long term business to another company—Whether "insurance business"—Whether long term reinsurance "long term business"—Whether retrocession arrangements "insurance business" and "long term business"—Whether jurisdiction to sanction scheme—Insurance Companies Act 1982, s. 49(1)

In re N.R.G. Victory Reinsurance Ltd., Lindsay J. [1995] 1 W.L.R. 239

INTERNATIONAL LAW**Treaty***International organisation*

Recognition—Arms manufacturing industry created by treaty between four Arab states—Organisation accorded juridical personality—Organisation excluded from application of domestic law of member states—Three states declaring organisation to be liquidated—Fourth state purporting by means of domestic laws to continue existence of organisation—Whether continuing organisation same body as liquidated organisation

Westland Helicopters Ltd. v. Arab Organisation for Industrialisation,
Colman J. [1995] Q.B. 282; [1995] 2 W.L.R. 126

JAMAICA**Constitution***Human rights and fundamental freedoms*

Classification of existing murder convictions as capital or non-capital—Initial classification by single judge—Subsequent review by three judges of cases classified as capital—Convicted person having no opportunity to make representations until review—Whether infringement of constitutional rights—Whether contrary to common law principle of procedural fairness—Offences against the Person (Amendment) Act 1992 (No. 14 of 1992), s. 7(2)(4)—Jamaica (Constitution) Order in Council 1962, Sch. 2, s. 20(6)(7)

Huntley v. Attorney-General for Jamaica, P.C. [1995] 2 A.C. 1; [1995] 2 W.L.R. 114

Crime

Evidence see **CRIME: Evidence: Hearsay**

JOINT INTEREST**Joint tenancy***Equitable charge*

Purported charge of property by husband without wife's knowledge or consent—Husband holding land certificate to bank's order—Whether effective to charge husband's interest in property—Whether charge invalidated because not in writing—Whether deposit effective to create equitable charge without wife's consent—Whether "disposition of an equitable interest"—Law of Property Act 1925, s. 53(1)(c)(2)—Law of Property (Miscellaneous Provisions) Act 1989, s. 2

United Bank of Kuwait Plc. v. Sahib, Chadwick J. [1995] 2 W.L.R. 94

Notice of termination

Local authority letting property to joint tenants—Notice terminating tenancy by one joint tenant without consultation with other tenant—Whether breach of trust—Whether effective to terminate tenancy—Law of Property Act 1925, s. 26(3)

Crawley Borough Council v. Ure, C.A. [1995] 3 W.L.R. 95

JUDICIAL REVIEW**Applicant's expectation***Government policy on transfer of fishing licences*

Trawler holding miscellaneous licence with no track record of North Sea beam trawling—Applicant hoping to transfer aggregation of beam trawl licence entitlements to trawler—Ministry of Agriculture changing policy to licensing by track record—Applicant in process of aggregating licence entitlements for transfer to trawler—Whether applicant's expectation that government policy would not frustrate its plans legitimate—Whether pipe-line provisions should have been included in policy to protect transaction already in progress—Approach of decision-maker to making exceptions to policy

Reg. v. Ministry of Agriculture, Fisheries and Food, Ex parte Hamble (Offshore) Fisheries Ltd., Sedley J. [1995] 2 All E.R. 714

Applicant's interest*Government minister*

Provision of aid to overseas country—Claim by a non-partisan pressure group that minister acted unlawfully—Whether having "sufficient interest"—Whether discovery necessary for fair disposal of case—Whether time for applying for relief to be extended—Supreme Court Act 1981, s. 31(3)—R.S.C., Ord. 24, rr. 3, 8; Ord. 53, r. 3(7)

Reg. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd., D.C. [1995] 1 W.L.R. 386

JUDICIAL REVIEW—continued**Court's jurisdiction***Execution of Scottish warrant*

Divisional Court holding prosecution of defendant in England abuse of process—Defendant seeking to restrain execution in England and Wales of warrant issued in Scotland—Whether court having jurisdiction to grant injunction—Whether execution of warrant abuse of process—Union with Scotland Act 1706, art. XIX

Reg. v. Comr. of Police of the Metropolis, Ex parte Bennett,
D.C. [1995] Q.B. 313; [1995] 2 W.L.R. 598

Crown*National security*

Exercise of prerogative on grounds of national security—Applicant and family in danger of attack by members of terrorist organisations in Northern Ireland—Secretary of State suspecting applicant of involvement in terrorist activities—Exclusion order preventing applicant from entering Great Britain—Applicant seeking judicial review—Whether court entitled to consider Secretary of State's reasons for making order—Whether permissible limitation of right of E.E.C. national to freedom of movement—Prevention of Terrorism (Temporary Provisions) Act 1989, s. 5—Council Directive (64/221/E.E.C.), art. 9

Reg. v. Secretary of State for the Home Department, Ex parte McQuillan,
Sedley J. [1995] 4 All E.R. 400

Inland Revenue*Exemption from income tax*

Official agent of foreign state exempt—Dispute whether conditions for exemption satisfied for official of mission of Turkish Republic of Northern Cyprus—Whether dispute to be resolved on official's appeal against assessments or on head of mission's application for judicial review—Income and Corporation Taxes Act 1988, s. 321

Reg. v. Inland Revenue Comrs., Ex parte Caglar,
Poplewell J. (1995) T.C. Leaflet No. 3444

Local authority decision

Residential care home closure see **LOCAL GOVERNMENT: Social services function**

Magistrates' court*Irregularity in proceedings*

Guilty plea to charge of driving with excess blood-alcohol—Proceedings initiated on basis of evidence revealed to be inadmissible due to flawed procedure—Whether conduct analogous to fraud—Whether order of certiorari available

Reg. v. Burton-upon-Trent Justices, Ex parte Woolley, D.C. [1995] R.T.R. 139

Public authority*Operation of air and sea ports*

Ban on lawful trade in livestock in response to unlawful protest by animal rights campaigners—Whether public authorities operating air and sea ports entitled to ban lawful trade **Reg. v. Coventry City Council, Ex parte Phoenix Aviation,** D.C. [1995] 3 All E.R. 37

JUSTICES**Evidence***Exclusion of evidence*

Copyright offences—Defendant's objection to interview evidence because of unfairness—Whether entitled to give evidence on *voir dire* without exposure to cross-examination on substantive facts of case—Police and Criminal Evidence Act 1984, s. 78

Halawa v. Federation Against Copyright Theft, D.C. [1995] 1 Cr.App.R. 21

Disclosure of unused material

Prosecution claiming public interest immunity for item—Justices excluding defendant from hearing of claim—Item held immaterial and excluded—Whether trial before same justices fair—Whether to be held before different bench

Reg. v. South Worcestershire Justices, Ex parte Lilley, D.C. [1995] 1 W.L.R. 1595

Prosecution evidence

Disclosure of information to defence—Whether justices to rule on disputes between parties

Reg. v. Bromley Magistrates' Court, Ex parte Smith, D.C. [1995] 1 W.L.R. 944

Peace*Recognisance to keep*

Non-violent trespass—Defendant repeatedly entering air base without permission—Possibility of violent reaction by military personnel—Whether mere possibility of breach of peace sufficient—Whether violence or threat of violence necessary—Whether criminal or civil standard of proof to be applied—Magistrates' Courts Act 1980, s. 115

Percy v. Director of Public Prosecutions, D.C. [1995] 1 W.L.R. 1382

LANDLORD AND TENANT**Assignment of lease or underletting***Liability of original lessee*

Assignee liable to landlord for rent arrears—Assignee entering into voluntary arrangement with creditors—Landlord but not original lessee bound by arrangement—Landlord claiming arrears from original lessee—Whether original lessee entitled to rely on arrangement to avoid liability—Whether arrangement amounting to accord and satisfaction—Insolvency Act 1986, s. 5(2)

R.A. Securities Ltd. v. Mercantile Credit Co. Ltd., Jacob J. [1995] 3 All E.R. 581

Assignee liable to landlord for rent arrears—Assignee entering into voluntary arrangement with creditors including landlord—Creditors accepting terms of voluntary arrangement in full and final settlement of all claims—Landlord claiming arrears from original lessees—Whether voluntary arrangement extinguishing liability of original lessees

Mytre Investments Ltd. v. Reynolds, Michael Burton Q.C. [1995] 3 All E.R. 588

Notice

Tenant giving notice to landlord of intention to quit—Whether landlord entitled to possession against subtenant

Pennell v. Payne, C.A. [1995] Q.B. 192; [1995] 2 W.L.R. 261

When assignment taking effect

Registered land—Transfer of lease from subsidiary to holding company never registered—Subsequent notice to terminate given by subsidiary—Whether assignment valid—Date to be ascribed to assignment—Whether subsidiary entitled to serve notice terminating lease—Land Registration Act 1925, s. 22(1)

Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd., Judge Paul Baker Q.C. [1995] 3 W.L.R. 558

Business premises (security of tenure)*Application for new tenancy*

Tenant carrying on business of operating covered market—Market hall fitted out with stalls let to individual stallholders—Whether tenant occupying hall for purposes of its business—Whether landlord entitled to oppose tenant's application for grant of new tenancy—Landlord and Tenant Act 1954, ss. 23(1)(3), 32(1)

Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd., H.L.(E.) [1995] 3 W.L.R. 854

Covenant*Landlord's covenant to repair*

Covenant to "maintain repair amend renew" and otherwise keep in "good and tenantable condition"—Inherent defect in building—Water leaking through anodised aluminium and glass cladding—Whether landlord in breach of covenant—Whether liable for cost of putting building into tenantable condition—Whether liability extending to replacement of cladding

Crédit Suisse v. Beegas Nominees Ltd., Lindsay J. [1994] 4 All E.R. 803

Forfeiture of lease*Landlord seeking to resile*

Landlord alleging breach of covenant by tenant—Tenant admitting breach and accepting forfeiture—Whether landlord to be permitted subsequently to challenge forfeiture—Whether landlord able to rely on mistaken belief as to facts

G.S. Fashions Ltd. v. B. & Q. Plc., Lightman J. [1995] 1 W.L.R. 1088

Re-entry

Tenants failing to pay rent—Landlords making proposal for delayed payment—Landlords peaceably re-entering on tenants' failure to accept proposal—Whether waiver of tenants' breach—Whether leave of court required for peaceable re-entry and forfeiture of lease after interim order granted to tenants—Whether "other proceedings . . . execution or other legal process" including peaceable re-entry—Insolvency Act 1986, ss. 11(3)(d), 252(2)(b)

In re A Debtor (No. 13A-IO-1995), Rattee J. [1995] 1 W.L.R. 1127

Relief from forfeiture

Long lease granted for premium at low rent—Lease mortgaged by subdemise—Tenant defaulting with mortgage payments and payments of rent and service charges—Terms on which mortgagee entitled to relief—Whether landlord entitled to mesne profits—Whether "rent" including service charge deemed by lease to be sum due by way of additional rent—Law of Property Act 1925, s. 146(2)(4)—Supreme Court Act 1981, s. 38(1)(2)—County Courts Act 1984, s. 138(2)(9A)(9B) (as inserted by Administration of Justice Act 1985, s. 55(4))

Escalus Properties Ltd. v. Robinson, C.A. [1995] 3 W.L.R. 524

LANDLORD AND TENANT—continued**Harassment***Residential occupier*

Premises managed by agents—Acts of harassment committed by agents—Occupiers forced to leave premises—Whether agents liable to pay damages for loss of right to occupy—Housing Act 1988, ss. 27, 28 **Sampson v. Wilson**, C.A. [1995] 3 W.L.R. 455

Lease for fixed term*Notice to determine*

Lease for 10 years—Provision to determine—Notice wrongly stating date of termination—Whether effective **Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.**, C.A. [1995] 1 W.L.R. 1508

Leasehold enfranchisement*Adjoining properties*

Mews property not structurally detached including basement area lying below adjoining property—Tenant seeking to acquire freehold—Whether mews property without basement area “house”—Whether basement area “material part” of house—Whether tenant entitled to enfranchisement—Leasehold Reform Act 1967, ss. 1(1), 2(1)(2) **Duke of Westminster v. Birrane**, C.A. [1995] Q.B. 262; [1995] 2 W.L.R. 270

Rent*Set-off*

Tenant withholding rent for breach of covenant—Landlord exercising remedy of distress on tenant's goods—Tenant seeking to restrain landlord from proceeding with distress as cross-claim for damages exceeding rent arrears—Whether set-off available against distress **Eller v. Grovecrest Investments Ltd.**, C.A. [1995] Q.B. 272; [1995] 2 W.L.R. 278

Repairs*Covenant*

Landlord's covenant to keep premises in good and substantial repair and condition—Defect occurring in part of building not demised to tenant—Whether landlord in breach on appearance of defect or on expiration of reasonable period for carrying out repairs **British Telecommunications Plc. v. Sun Life Assurance Society Plc.**, C.A. [1995] 3 W.L.R. 622

Security of tenure*Subtenancy*

Tenant's lease forfeited—Protected subtenant becoming tenant of landlord—Whether protected or statutory tenancy—Rent Act 1977, s. 137(2) **Keepers and Governors of the Possessions Revenues and Goods of the Free Grammar School of John Lyon v. James**, C.A. [1995] 3 W.L.R. 908

LAW REFORM**Whether necessary***County court*

Automatic striking out of default summons where no defence served and judgment not entered within 12 months—Whether rules to be amended **Webster v. Ellison Circuits Group Ltd.**, C.A. [1995] 1 W.L.R. 1447

Legal aid

Grant of legal aid after conclusion of proceedings—Whether lacuna in regulations relating to Crown Court **Percy v. Director of Public Prosecutions**, D.C. [1995] 1 W.L.R. 1382

*Presumption of doli incapax**Whether to be abolished*

C. (A Minor) v. Director of Public Prosecutions, H.L.(E.) [1995] 2 W.L.R. 383

Self-defence

Use of excessive force resulting in death—Murder not reduced to manslaughter

Reg. v. Clegg, H.L.(N.I.) [1995] 1 A.C. 482; [1995] 2 W.L.R. 90

LAW REPORT

Citation *see* COURT OF APPEAL (CIVIL DIVISION): **Practice**

LEGAL AID**Availability of***Joinder*

County court action by company—Assignment of claim to director—Availability of legal aid to director but not company—Director joined as co-plaintiff—Whether joinder to be set aside **Eurocross Sales Ltd. v. Cornhill Insurance Plc.**, C.A. [1995] 1 W.L.R. 1517

LEGAL AID—continued**Costs***Charging order*

Assisted persons ordered to pay successful litigants' costs—Charging order made against assisted persons' house in respect of costs—Enforcement of charge ordered against proceeds of sale of house—Whether charging order "execution"—Whether court entitled to make charging order against assisted litigants' house—Whether court entitled to order enforcement of charge against proceeds of sale—Legal Aid Act 1988, s. 17(3)(b)

Parr v. Smith, C.A. [1995] 2 All E.R. 1031

Set-off

Unsatisfied judgment against legally aided defendant in plaintiff's favour—Subsequent proceedings in aid of judgment resolved in defendant's favour—Defendant obtaining order for recovery of items seized with costs—Unsatisfied judgment greatly exceeding costs—No prospect of plaintiff recovering amount of judgment—Whether jurisdiction to allow costs to be set off against unsatisfied judgment—Whether right to allow set-off if items subject to statutory charge in favour of Legal Aid Board—Legal Aid Act 1988, s. 16(6)(8)—Legal Aid (General) Regulations 1989, reg. 95(2)

Brookes v. Harris, Ferris J. [1995] 1 W.L.R. 918

LICENSING**Broadcasting***Radio*

Restrictions on holding of licences—Licences held by company—Company holding licences through subsidiary transferring ownership of subsidiary to new company held equally by it and its bankers—Whether company deemed to hold licences held by new company—Whether Radio Authority entitled to conclude that company not controlling new company—Broadcasting Act 1990, Sch. 2, Part I, para. 1(3)(b)—Broadcasting (Restrictions on the Holding of Licences) Order 1991, arts. 11(5), 12(4)

Reg. v. Radio Authority, *Ex parte Guardian Media Group Plc.*, Schiemann J. [1995] 1 W.L.R. 334

LIMITATION OF ACTION**Breach of duty***Deliberate concealment of facts*

Plaintiffs' claim for breaches of underwriting agency agreement and of duty and negligence—Defendants raising limitation defence—Plaintiffs alleging deliberate concealment of material facts after accrual of cause of action but before expiry of limitation period—Effect of concealment on running of limitation period—Whether action time-barred—Limitation Act 1980, s. 32(1)(b)

Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd., H.L.(E.) [1995] 2 W.L.R. 570

Negligence*Accrual of cause of action*

Bank making loan on security of lease—Bank relying on valuer's valuation of lease as at future date—Borrower defaulting on loan—Security insufficient to cover debt owed by insolvent borrower—Bank claiming damages for negligent valuation—Whether bank's cause of action time-barred—Point when cause of action accruing

First National Commercial Bank Plc. v. Humberts, C.A. [1995] 2 All E.R. 673

Period of limitation*Breach of contract under seal*

Contract of service—Contract under seal between Lloyd's Names and members' agents—Whether "specialty"—Limitation Act 1980, s. 8(1)

Aiken v. Stewart Wrightson Members Agency Ltd., Potter J. [1995] 1 W.L.R. 1281

Personal injuries*Cause of action*

Pregnancy occurring after sterilisation operation—Birth of healthy child—Action in negligence claiming damages for post-natal economic costs only—Whether claim for "damages in respect of personal injuries"—Whether action statute-barred—Limitation Act 1980, ss. 11(1), 38(1)

Walkin v. South Manchester Health Authority, C.A. [1995] 1 W.L.R. 1543

LOCAL GOVERNMENT**Election***Petition*

City of London ward election—Presiding officer notifying petitioners that candidature deemed withdrawn—Poll rendered unnecessary—Whether presiding officer in ward election "returning officer"—Whether petition incompetent for failure to join successful candidates as respondents—Whether time limit for service on respondent mandatory—Representation of the People Act 1983, ss. 128(2), 136(3)

Absalom v. Gillett, D.C. [1995] 1 W.L.R. 128

LOCAL GOVERNMENT—continued**Homeless persons***Refusal of accommodation*

Applicant married and eight months pregnant—Applicant refusing offer of one-bedroomed flat—Council deciding refusal unreasonable—Council rejecting applicant's appeal because of refusal of offer—Whether unborn child "person" who might reasonably be expected to reside with applicant—Whether council's appeals procedure irrational—Housing Act 1985, ss. 65, 75

Reg. v. Newham London Borough Council, Ex parte Dada, C.A. [1995] 3 W.L.R. 540

Whether "homeless intentionally"

Applicant with priority need temporarily housed in short-term accommodation—Offer of permanent accommodation rejected as unsuitable—Applicant evicted from short-term accommodation—Whether ceasing to occupy accommodation available for occupation—Whether reasonable to continue to occupy it—Whether accommodation to be settled or permanent—Housing Act 1985, ss. 58(1), 60(1), 65(2)

Reg. v. Brent London Borough Council, Ex parte Awua, H.L.(E.) [1995] 3 W.L.R. 215

Powers*Ban on export of live animals*

Air and sea ports—Ban on lawful trade in response to unlawful protest by animal rights protesters—Whether public authorities operating air and sea ports having general discretion to ban lawful trade in live animals—Whether export of livestock to be banned on ground of unlawful disruption by protesters—Harbours, Docks and Piers Clauses Act 1847, ss. 33, 40—Air Navigation Order 1989, art. 78(3)

Reg. v. Coventry City Council, Ex parte Phoenix Aviation, D.C. [1995] 3 All E.R. 37

Financial transactions

Guarantee of development company's liabilities—Whether council having statutory power to enter into guarantee—Whether council acting ultra vires—Construction of guarantee—Whether variations in loan agreement discharging liability under guarantee—Whether bank or council able to rely on variations by reason of estoppel, waiver or fraud—Quantum

Crédit Suisse v. Allerdale Borough Council, Colman J. [1995] 1 Lloyd's Rep. 315

Gipsies

Land owned by gipsies in green belt used as caravan site without planning permission—Enforcement notices and stop notice disregarded—Injunction prohibiting unauthorised use—Offers of alternative accommodation on local authority site refused—Breach of injunction—Whether committal order to be made—Whether local authority's breach of statutory duty to provide caravan site relevant factor

Waverley Borough Council v. Marney, C.A. (1994) 93 L.G.R. 86

Use of land

Council acquiring common land over which deer hunting taking place—Decision of authority to ban hunting on moral grounds—Whether decision lawful—Local Government Act 1972, s. 120

Reg. v. Somerset County Council, Ex parte Fewings, C.A. [1995] 1 W.L.R. 1037

Residential care homes see Social services function; HOUSING**Social services function***Closure of residential care homes*

Closure proposed without consulting residents—Secretary of State having default power where local authority failing to carry out duty comprising social services function—Whether duty to consult "social services function"—Whether judicial review appropriate remedy—Local Authority Social Services Act 1970, s. 7D

Reg. v. Devon County Council, Ex parte Baker, C.A. [1995] 1 All E.R. 73

MAINTENANCE OF SUIT**ChamPERTY***Assignment of fruits of action*

Company commencing action against defendant—Company going into liquidation—Liquidator not having funds to pursue action—Liquidator entering into arrangement whereby third parties funding action in return for share of recoveries—Whether arrangement champertous—Whether action to be stayed—Insolvency Act 1986, Sch. 4, para. 6

Grovewood Holdings Plc. v. James Capel & Co. Ltd., Lightman J. [1995] Ch. 80; [1995] 2 W.L.R. 70

MEDICAL PRACTITIONER

Failure to provide medical services

Complaint

Appeal from finding of medical service committee—Matters raised by appeal unit unconnected with original complaint—Doctor given no advance notice—Whether appeal unit having power to adjudicate on matters not subject of original complaint—Whether appeal hearing to be reopened for further evidence after determination but before decision on penalty—National Health Service (Service Committees and Tribunal) Regulations 1974, as amended by National Health Service (Service Committees and Tribunal) Amendment Regulations 1990, regs. 4(1), 11(1)(IA), 12

Reg. v. Northern and Yorkshire Regional Health Authority, *Ex parte Trivedi*, Auld J. [1994] 1 W.L.R. 961

Medical treatment, consent to

Refusal of food

Patient suffering from mental disorder detained in hospital—Patient refusing food—Patient's weight falling to critical level—Whether tube feeding without patient's consent lawful—Whether tube feeding constituting "medical treatment"—Mental Health Act 1983, s. 63

B. v. Croydon Health Authority, C.A. [1995] Fam. 133; [1995] 2 W.L.R. 294

MILITARY LAW

Discipline *see* NEGLIGENCE: **Duty of care to whom?: Serviceman**

MORTGAGE *see also* NEW ZEALAND

Possession

Innocent misrepresentation *see* BANKING: **Loan**

NATIONAL HEALTH SERVICE

Health authority

Medical records

Patient requesting access to his records—Whether patient having right of access—Health authority's duty to act in patient's best interests—Convention for the Protection of Human Rights and Fundamental Freedoms, art. 8

Reg. v. Mid Glamorgan Family Health Services Authority, *Ex parte Martin*, C.A. [1995] 1 W.L.R. 110

Medical treatment

Allocation of funds

Relapse of patient's life-threatening condition—Medical advice against further treatment—Patient's family obtaining contrary advice proposing treatment—Health authority deciding not to fund treatment—Whether decision lawful

Reg. v. Cambridge Health Authority, *Ex parte B.*, C.A. [1995] 1 W.L.R. 898

NATIONAL HERITAGE

Site of special scientific interest

Compensation to owner

Appeal against arbitrator's award—Statutory restriction on use of land—Correct test for compensation of loss—Whether standard rules governing measure of tortious or contractual liability applicable—Factors to be considered—Wildlife and Countryside Act 1981, ss. 28, 50

Thomas v. Countryside Council for Wales, Rougier J. [1994] 4 All E.R. 853

NEGLIGENCE

Causation

Loss of chance

Solicitors' failure to obtain warranty against liability for former tenant's obligations under leases—Plaintiffs showing loss of substantial chance of obtaining warranty or other protection—Whether plaintiff must prove chance more likely than not—Quantification of damages

Allied Maples Group Ltd. v. Simmons & Simmons, C.A. [1995] 1 W.L.R. 1602

Duty of care to whom?

Classification society

Vessel developing cracks in hull—Classification society surveyor recommending vessel continue on voyage to discharge port after temporary repairs—Total loss of vessel and cargo—Cargo owners claiming against classification society—Whether classification society owing duty of care to cargo owners

Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd., H.L.(E.) [1995] 3 W.L.R. 227

NEGLIGENCE—continued**Duty of care to whom?—continued***Crown Prosecution Service*

C.P.S.'s alleged carelessness resulting in plaintiffs' prolonged detention before prosecutions discontinued—Whether C.P.S. owing duty of care to persons prosecuted—Whether immune from liability
Elgouzouli-Daf v. Comr. of Police of the Metropolis,
 C.A. [1995] Q.B. 335; [1995] 2 W.L.R. 173

District auditors

Local authority bringing action against own officers for procuring payments without authority—Officers issuing third party notices claiming indemnity from district auditors for negligent advice during audit—Whether auditors owing duty of care to council or officers—Local Government Finance Act 1982, s. 15

West Wiltshire District Council v. Garland (Cond, Third Party),
 C.A. [1995] Ch. 297; [1995] 2 W.L.R. 439

Employee

Social services manager of local authority—Increasing caseload causing breakdown—Subsequent return to work on promise of assistance—Further breakdown when assistance not continued—Whether employers owing duty of care—Whether psychiatric damage reasonably foreseeable

Walker v. Northumberland County Council, Colman J. [1995] I.C.R. 702

Government minister

Plaintiff seeking discovery in judicial review proceedings—Secretary of State claiming public interest immunity—Not weighing public interest in non-disclosure against public interest in administration of justice—Whether breach of public duty—Whether Secretary of State owing plaintiff private law duty of care—Whether claim to be struck out

Bennett v. Comr. of Police of the Metropolis, Rattee J. [1995] 1 W.L.R. 488

Lloyd's agent

Liability to Names—Non-disclosure in effecting reinsurance and misdescription of claims reinsured—Whether concurrent liability in tort and contract—Whether duty owed to future members of syndicate—Whether agents in breach of duty

Aiken v. Stewart Wrightson Members Agency Ltd., Potter J. [1995] 1 W.L.R. 1281

Name selecting syndicates and portfolio allocations independently—Name requesting advice on allocations to excess of loss syndicates—Agent failing to warn of dangers of excess of loss reinsurance—Agent in breach of contract—Extent of agent's duty to warn—Measure of Name's damages—Availability of set-off of underwriting profits against losses incurred in other years

Brown v. K.M.R. Services Ltd., C.A. [1995] 4 All E.R. 598

Local authority

Statutory duty of local authority to maintain childminders' register—Local authority deciding not to suspend or deregister childminder under investigation—Local authority's officer advising infant plaintiff's mother that he could be safely left with childminder—Infant seriously injured while in childminder's care—Whether local authority having duty to take reasonable care in exercising its statutory obligations to register and deregister childminders—Whether local authority liable for negligent misstatement

T. (A Minor) v. Surrey County Council, Scott Baker J. [1994] 4 All E.R. 577

Statutory duty to safeguard and promote welfare of children—Local authority's alleged failure to carry out duty—Whether local authority liable in negligence

X (Minors) v. Bedfordshire County Council,
 H.L.(E.) [1995] 2 A.C. 633; [1995] 3 W.L.R. 152

Serviceman

Off-duty sailor dying following drinking bout at naval base—Officer in command at base guilty of breach of regulations relating to discouragement of drunkenness—Whether Ministry of Defence under duty to prevent deceased from excessive indulgence in alcohol—Whether ministry taking adequate measures after deceased collapsed—Whether deceased guilty of contributory negligence—Queen's Regulations for the Royal Navy 1967, art. 1810

Barrett v. Ministry of Defence, C.A. [1995] 1 W.L.R. 1217

Foreseeability of risk*Nervous shock*

Plaintiff directly involved in road traffic accident and not mere bystander—Plaintiff vulnerable to recurrent bouts of myalgic encephalomyelitis—Whether foreseeability of injury by nervous shock necessary

Page v. Smith, H.L.(E.) [1995] 2 W.L.R. 644

NEGLIGENCE—*continued*

Safe system of work

Window cleaner

Window more than 6 ft. from ground—Window faulty but capable of being cleaned from inside when in working order—Whether employer under duty to prohibit cleaner going out onto window sill unprotected

King v. Smith, C.A. [1995] I.C.R. 339

NEW ZEALAND

Company

Knowledge of company

Chief investment officer on behalf of company acquiring substantial security holding in public issuer—Managing director and board unaware of acquisition—Company failing to give prescribed notice—Whether investment officer's knowledge attributable to company—Whether company in breach of duty to give notice—Securities Amendment Act 1988, ss. 20(3)(4)(e), 35

Meridian Global Funds Management Asia Ltd. v. Securities Commission, P.C. [1995] 2 A.C. 500; [1995] 3 W.L.R. 413

Mortgage

Mortgagor's covenant to insure

Mortgagor required to insure property in second mortgagee's name—Policy in mortgagor's name—Second mortgagee's interest noted by insurer on policy—Whether proceeds of policy assigned to second mortgagee—Whether insurer having notice of assignment—Property Law Act 1952 (No. 51 of 1952), s. 78, Sch. 4, cls. (2), (13)

Colonial Mutual General Insurance Co. Ltd. v. ANZ Banking Group (New Zealand) Ltd., P.C. [1995] 1 W.L.R. 1140

Revenue

Income tax

Deduction of expenditure—Taxpayer undertaking to indemnify car dealers against warranty claims by purchasers—Taxpayer making provision in income year for anticipated unexpired warranty costs in following year—Whether expenditure deductible in calculating taxpayer's assessable income in income year—Income Tax Act 1976, ss. 65(2)(a), 101, 104

Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd., P.C. [1995] 3 W.L.R. 671

Vicarious liability

Agency see VICARIOUS LIABILITY

NUISANCE

Smell

Planning permission, grant of

Planning authority granting permission for extension of pig farm—Smells emanating from pigs adversely affecting neighbours—Whether planning permission defence to claim in nuisance

Wheeler v. J.J. Saunders Ltd., C.A. [1995] 3 W.L.R. 466

PARLIAMENT

Privilege

Proceedings in Parliament

Reference to parliamentary material as aid to construction of statute—Admissibility of material directed to point at issue—Ministerial statements directed to other provisions not admissible

Melluish v. B.M.I. (No. 3) Ltd., H.L. (E.) [1995] 3 W.L.R. 630

PARTNERSHIP

Dissolution

Undistributed assets

Partners contributing unequally to acquisition of partnership assets—Plaintiff leaving partnership voluntarily—Defendant carrying on business and selling partnership assets at profit—Plaintiff claiming equal share in post determination capital profits—Proper basis of apportionment of capital profits

Popat v. Shonchhatra, David Neuberger Q.C. [1995] 1 W.L.R. 908

PATENT

Court

Practice

Telephone summonses and agreed interlocutory orders—Information sheets and pre-trial reviews—Solicitors' rights of audience—Sittings out of London

Practice Direction (Patents Court: Procedure), Ch.D. [1995] 1 W.L.R. 1578

PATENT—*continued***Design***Registration*

Parts for motor vehicles—Applications to register design refused—Whether vehicle parts “articles”—Whether dependent on appearance of another article of which intended to form integral part—Whether excluded from registration—Registered Designs Act 1949, ss. 1(1)(b)(ii), 44(1) (as substituted and amended by Copyright, Designs and Patents Act 1988, ss. 265, 272, Sch. 3)

Reg. v. Registered Designs Appeal Tribunal, *Ex parte Ford Motor Co. Ltd.*, H.L.(E.) [1995] 1 W.L.R. 18

POLICE**Duties***Law enforcement*

Live animal exporters afforded police protection against demonstrators at port—Chief Constable reducing level of protection—Whether breach of duty to keep peace and enforce law—Whether proper exercise of discretion

Reg. v. Chief Constable of Sussex, *Ex parte International Trader's Ferry Ltd.*, D.C. [1995] 3 W.L.R. 802

PRACTICE**Advocates***Court dress*

Counsel and solicitors

Practice Direction (Court Dress) (No. 2), Supreme Court [1995] 1 W.L.R. 648

Affidavits*Interlocutory proceedings*

Affidavit containing references to Department of Trade and Industry report as source of information and belief—Whether necessary for deponent to identify original source of evidence admissible at trial—Companies Act 1985, s. 432(2)—R.S.C., Ord. 41, r. 5(2)

Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd., Phillips J. [1995] 1 W.L.R. 1017

Appeal*Extension of time*

Appeal from bankruptcy order—Debtor declared bankrupt while appeal against judgment debt pending—Debtor seeking registrar's leave to appeal out of time against bankruptcy order—Whether appeal of real substance and not unarguable—Whether being seriously pursued by debtor—Whether leave to be given

In re A Debtor (No. 799 of 1994), *Ex parte Cobbs Property Services Ltd.*, Harman J. [1995] 1 W.L.R. 467

New points on appeal

Appellate court raising new issues of fact and law after close of argument—Duty to allow submissions on propriety of considering new issues

Hoecheong Products Co. Ltd. v. Cargill Hong Kong Ltd., P.C. [1995] 1 W.L.R. 404

Chancery Division*Case management*

Procedure—Chancery Guide to apply to litigation in Chancery Division

Practice Direction (Chancery Division: Procedure and Case Management), Ch.D. [1995] 1 W.L.R. 785

Insolvency appeals

Appeals to single judge—Applications for leave to appeal from single judge—R.S.C., Ord. 59, rr. 4, 19—Insolvency Rules 1986, rr. 7.48(2), 7.49

Practice Direction (Insolvency Appeals: Individuals), Ch.D. [1995] 1 W.L.R. 1323

Discovery*Inspection*

Plaintiff disclosing documents with passages deleted—Deleted parts alleged to be irrelevant—Whether complete documents to be disclosed

G.E. Capital Corporate Finance Group Ltd. v. Bankers Trust Co., C.A. [1995] 1 W.L.R. 172

PRACTICE—continued

Discovery—continued

Privilege

Common interest privilege—Plaintiffs entering into contracts for sale of goods—Defendants furnishing guarantees—Dispute under guarantee—Defendants seeking discovery—Plaintiffs alleging documents privileged—Whether plaintiffs and defendants having common interest in litigation—Whether documents within contractual disclosure obligation—Whether documents privileged

Formica Ltd. v. Secretary of State acting by the Export Credits Guarantee Department,
Colman J. [1995] 1 Lloyd's Rep. 692

Privileged documents mistakenly disclosed—Documents inspected and copied by other party—Whether disclosure result of obvious mistake—Whether mistake to be obvious to hypothetical reasonable solicitor or to actual recipient—Whether injunction to be granted to prevent other party making use of documents

International Business Machines Corp. v. Phoenix International (Computers) Ltd.
Aldous J. [1995] 1 All E.R. 413

Professional privilege—Claim under commercial mortgage indemnity insurance—Insurers denying liability alleging non-disclosure, misrepresentation and breach of warranty—Communications from insurers to reinsurers of legal advice provided to insurers—Whether such documents privileged

Svenska Handelsbanken v. Sun Alliance and London Insurance Plc.,
Rix J. [1995] 2 Lloyd's Rep. 84

Professional privilege—Communications between defendants and legal advisers—Documents relating to transactions concerning land—Prima facie case that transactions entered at undervalue and prejudicing creditor's interests—Whether legal professional privilege attaching to documents—Whether disclosure to be ordered

Barclays Bank Plc. v. Eustice, C.A. [1995] 1 W.L.R. 1238

Professional privilege—Team of legal and non-legal advisers providing advice on business transaction—Communications between client and advisers—Legal advisers' communications including advice on commercial advisability of transaction—Client seeking damages for negligence from non-legal advisers—Non-legal advisers seeking disclosure of communications between legal advisers and client not previously divulged—Whether communications privileged—Whether legal advisers' duty of confidence qualified in respect of disclosure of specific communications—Whether client by initiating proceedings against non-legal advisers waiving privilege

Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow,
Colman J. [1995] 1 All E.R. 976

Public interest immunity

Complaints against police—Reports of investigating officers—Action for malicious prosecution, misfeasance in public office and conspiracy—Class claim to immunity in respect of reports—Whether disclosure necessary—Whether class claim established—R.S.C., Ord. 24, r. 13

Taylor v. Anderton (Police Complaints Authority Intervening), C.A. [1995] 1 W.L.R. 447

Third parties

Proceedings against employers for personal injuries—Discovery of employee's medical records—Whether employers entitled to production of documents by medical practitioner to their legal and medical advisers—County Courts Act 1984, s. 53(2)

Hipwood v. Gloucester Health Authority, C.A. [1995] I.C.R. 999

Use of documents

Undertaking not to use for other purposes—Bank's customers suspected of involvement in misappropriation of deceased person's estate—Action to trace and recover property—Order for inspection of bank's records—Whether information disclosed available for use against other alleged wrongdoers—Whether available for use in actions abroad

Omar v. Omar, Jacob J. [1995] 1 W.L.R. 1428

Dismissal of action for want of prosecution

Long delay

Proceedings for disqualification of company director—Inordinate and inexcusable delay—Fair trial of proceedings still possible—No specific prejudice—Whether public interest in proceedings diminishing over time—Whether outweighed by prejudice to defendant—Whether proceedings to be dismissed for want of prosecution—Company Directors Disqualification Act 1986, s. 6

In re Manlon Trading Ltd.,
Evans-Lombe J. [1995] 3 W.L.R. 271
C.A. [1995] 3 W.L.R. 839

PRACTICE—continued**Dismissal of action for want of prosecution—continued***Notice of appeal out of time*

Plaintiff five days late in appealing—No explanation for delay—Whether discretion to extend time—R.S.C., Ord. 3, r. 5 **Savill v. Southend Health Authority**, C.A. [1995] 1 W.L.R. 1254

Dismissal of counterclaim for want of prosecution*Long delay*

No steps taken by either party for over three years—Defendant by counterclaim obtaining order striking out counterclaim for want of prosecution—Whether court having power to strike out counterclaim for want of prosecution—Whether court also to dismiss claim in main action

Owen (trading as Max Owen Associates) v. Pugh, Otton J. [1995] 3 All E.R. 345

Documents*Form*

Marking of exhibits to affidavits—R.S.C., Ord. 41

Practice Direction (Evidence: Documents), Supreme Court [1995] 1 W.L.R. 510

Family proceedings*Case management*

Court's control over preparation for and conduct of hearings—Practitioners' failure to conduct cases economically to be penalised in costs—Pretrial review and skeleton arguments

Practice Direction (Family Proceedings: Case Management),
Fam.D. [1995] 1 W.L.R. 332

High Court*Case management*

Judges' control over preparation for and conduct of hearings—Practitioners' failure to conduct cases economically to be penalised in costs—Pre-trial review and skeleton arguments—R.S.C., Ord. 18, r. 7; Ord. 34, r. 10(2)

Practice Direction (Civil Litigation: Case Management),
Ch.D. and Q.B.D. [1995] 1 W.L.R. 262
Ch.D. and Q.B.D. [1995] 1 W.L.R. 508

Split trial

Issue of liability to be determined before consideration of assessment of damages—Whether discovery to be limited to issue of liability—R.S.C., Ord. 24, r. 2(5)

Baldock v. Addison, Lightman J. [1995] 1 W.L.R. 158

Interrogatories*Application to withdraw*

State of perishable goods—Dispute as to whether damage caused by inherent defect in goods or delay—Interrogatories served—Whether interrogatories properly answered—Whether application to withdraw to be granted

Det Danske Hedeselskabet v. K.D.M. International Plc.,
Colman J. [1994] 2 Lloyd's Rep. 534

Jury*Discharge of juror*

Physical disability—Profound deafness—Juror requiring sign language interpreter in court and jury room—Whether to be discharged—Juries Act 1974, s. 9B (as inserted by Criminal Justice and Public Order Act 1994, s. 41)

In re Osman (Practice Note), Sir Lawrence Verney [1995] 1 W.L.R. 1327

Right to jury

Malicious prosecution, misfeasance in public office and conspiracy—Prolonged examination of documents likely on issue of liability—Whether trial by judge alone appropriate—Supreme Court Act 1981, s. 69(1)(3)

Taylor v. Anderton (Police Complaints Authority Intervening), C.A. [1995] 1 W.L.R. 447

Parties*Joinder*

County court action by company—Assignment of company's claim to director—Failure of company to comply with order for security for defendant's costs—Joinder of director as co-plaintiff on condition of payment into court of similar sum as ordered against company—Whether jurisdiction to impose condition—Whether condition appropriate—County Court Rules 1981, Ord. 13, r. 1(8)

Eurocross Sales Ltd. v. Cornhill Insurance Plc., C.A. [1995] 1 W.L.R. 1517

PRACTICE—continued**Parties—continued***Substitution*

Action by pension scheme trustees against advisers to scheme—Trustees discontinuing action because of risk of personal exposure to costs—Beneficiaries applying to be substituted as plaintiffs—Whether beneficiaries having cause of action—Whether jurisdiction to order substitution

Bradstock Trustee Services Ltd. v. Nabarro Nathanson,
Judge Paul Baker Q.C. [1995] 1 W.L.R. 1405

Patents Court *see* **PATENT****Pleadings***Striking out*

Abuse of process—Libel action—Defendants pleading justification and fair comment—Parts of defence and particulars struck out on grounds of insufficient supporting evidence—Criteria for pleading justification and fair comment—Principles applicable to striking out applications for abuse of process—R.S.C., Ord. 18, r. 19

McDonald's Corp'n. v. Steel, C.A. [1995] 3 All E.R. 615

Abuse of process—Plaintiff convicted and conviction upheld by Court of Appeal—Plaintiff bringing civil action against former solicitors for damages for negligence in conduct of his defence—Whether civil action abuse of process of court—Whether plaintiff having had full opportunity to put forward case—Whether new evidence changing aspect of criminal case—Whether plaintiff's claim sustainable in law

Smith v. Linskills, Potter J. [1995] 3 All E.R. 226

Counterclaim—*Mareva* injunction obtained by plaintiff in England in aid of proceedings abroad—Defendants seeking to counterclaim in England—Whether English court having jurisdiction to hear counterclaim—Civil Jurisdiction and Judgments Act 1982, s. 25 (as amended by Civil Jurisdiction and Judgments Act 1991, Sch. 2)—R.S.C., Ord. 28, r. 7

Balkanbank v. Taher (No. 2), C.A. [1995] 1 W.L.R. 1067

Queen's Bench Division*Jury List*

Order for setting down to be strictly complied with

Practice Direction (Jury List: Setting Down), Q.B.D. [1995] 1 W.L.R. 364

Stay of proceedings*Jurisdiction*

Allegation of fraudulent misrepresentation—Bill of lading ante-dated—Whether defendants intending bill of lading to be used to deceive banks—Whether plaintiffs entitled to summary judgment—Whether action to be tried in Pakistan—Whether action to be stayed

Standard Chartered Bank v. Pakistan National Shipping Corp'n.,
Clarke J. [1995] 2 Lloyd's Rep. 365

Defendant and third party in English proceedings applying for antisuit injunction to restrain foreign plaintiffs from pursuing counterclaim as defendants in U.S. proceedings—Whether English court having jurisdiction to grant antisuit injunction against foreign plaintiffs—Principles to be applied by court when determining whether to grant injunction—Whether plaintiffs' counterclaim threatening applicant's right to be sued in country of domicile or other contracting state under international convention—Whether Convention applicable to proceedings for antisuit injunction—Whether England appropriate forum for determination of dispute—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 6, Sch. 3C, art. 6—R.S.C., Ord. 16, rr. 8, 9; Ord. 29, r. 1

Société Commerciale de Reassurance v. Eras International Ltd. (No. 2),
Potter J. [1995] 2 All E.R. 278

sub nom. **The Eras EIL Actions** [1995] 1 Lloyd's Rep. 64

Jurisdiction under European Convention

Libel action in England against French publisher of newspaper distributed in several contracting states—Small circulation in United Kingdom—Appropriate forum for action—Location of "place where the harmful event occurred"—Law applicable for determining existence and extent of harm—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(3)

Shevill v. Presse Alliance S.A. (Case C-68/93),
E.C.J. [1995] 2 A.C. 18; [1995] 2 W.L.R. 499

PRACTICE—continued**Stay of proceedings—continued***Jurisdiction under European Convention—continued*

Spanish company and English subsidiary claiming damages for conspiracy and breaches of duties relating to four transactions—Defendants' application for proceedings to be set aside or stayed—Whether companies' claims to be tried in England or Spain—Whether action to be stayed pursuant to arbitration clause—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 16, 21, 22, 27—R.S.C., Ord. 11, r. 1(1)(c)(f)

Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah,
Mance J. [1995] 1 Lloyd's Rep. 374

Leave to appeal against refusal

Sale of goods—Breach of contract—English court's jurisdiction—Defendants' application to stay action refused—Whether leave to appeal to be granted—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 17

I.P. Metal Ltd. v. Ruote O.Z. S.p.A. (No. 2), C.A. [1994] 2 Lloyd's Rep. 560

Subpoena duces tecum*Production of documents*

Production of documents required at hearing prior to main trial—Whether subpoena defective—Procedure for fixing early hearing date for production of documents—R.S.C., Ord. 38, r. 14(1); App. A

Khanna v. Lovell White Durrant, Sir Donald Nicholls V.-C. [1995] 1 W.L.R. 121

Summary procedure under Order 14*Delay*

Defendants convicted of involvement in robbery—Plaintiffs claiming restitution and pleading defendants' conviction—Whether plaintiffs barred by delay from attaining summary judgment—Whether defendants entitled to defend in absence of fresh evidence not called at criminal trial—Civil Evidence Act 1968, s. 11

Brinks Ltd. v. Abu-Saleh, Jacob J. [1995] 1 W.L.R. 1478

Unconditional leave to defend

Defendant's entitlement to set off cross-claims—Whether claim triable for "some other reason"—R.S.C., Ord. 14, r. 3(1)

Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.,
H.L.(E.) [1995] 3 W.L.R. 204

Writ*Concurrent writ*

Plaintiffs claiming for cargo damage—Writ marked not for service out of jurisdiction issued—Whether defendants' solicitors having authority to accept service—Writ renewed and concurrent writ served out of jurisdiction—Whether validly served—Whether proceedings to be set aside

Dong Wha Enterprise Co. Ltd. v. Crownson Shipping Ltd.,
Mance J. [1995] 1 Lloyd's Rep. 113

Service

Service by post to defendant's last address known to plaintiff—Defendant not living at address and having no notice of proceedings—Writ not returned undelivered to plaintiff—Whether service valid—R.S.C., Ord. 10, r. 1(2)

Forward v. West Sussex County Council, C.A. [1995] 1 W.L.R. 1469

Service out of jurisdiction

Application to set aside—Loan agreement, assignment of earnings and deed of charges entered into between German bank and Liberian shipowners—Documents containing English jurisdiction clause—Whether English court having jurisdiction to hear action against German bank—Whether writ to be set aside—Civil Jurisdiction and Judgments Act 1982, arts. 2, 5(1), 17

Ocarina Marine Ltd. v. Marcard Stein & Co., Rix J. [1994] 2 Lloyd's Rep. 524

PRISONS**Prisoners' rights***Refusal of food*

Prisoner having capacity to understand consequences of decision—Duty of Home Office and prison staff towards prisoner—Whether prisoner's right of self-determination to be balanced against countervailing state interests—Whether duty to force feed to maintain life

Secretary of State for the Home Department v. Robb,
Thorpe J. [1995] Fam. 127; [1995] 2 W.L.R. 722

PRIVY COUNCIL

Costs

Successful appellant

No award against Crown save in exceptional circumstances

Beckford v. The Queen, P.C. (1993) 97 Cr.App.R. 409

PROBATE

Practice

Public Trustee, estate vested in

Service of notice to quit—Address for service—Law of Property (Miscellaneous Provisions) Act 1994, s. 14 **Practice Direction (Probate: Notice to Quit)**, Fam.D. [1995] 1 W.L.R. 1120

PUBLIC HEALTH

Health and safety

Reporting injuries

Customer injuring herself while shopping in defendants' store—Defendants not reporting accident to local authority—Prosecution for failure to report—Whether reporting accidents limited to employees—Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985, reg. 3(1)(b)

Woking Borough Council v. British Home Stores Plc., D.C. (1994) 93 L.G.R. 396

Nuisance

Abatement notice

Noise in flats owned by housing association—Lack of soundproofing between flats—Noise from normal living—Tenant of flat below complaining of noise nuisance from flat above—Abatement notice served on housing association—Whether housing association "person responsible" for nuisance—Whether abatement notice to specify work required—Environment Protection Act 1990, ss. 79(1)(7), 80

Network Housing Association Ltd. v. Westminster City Council, D.C. (1994) 93 L.G.R. 280

Compensation

Information laid by tenant against council—Court clerk altering information to complaint—Whether proceedings criminal in nature—Whether court having jurisdiction to make order for compensation—Environmental Protection Act 1990, s. 82—Powers of Criminal Courts Act 1973, s. 35

Botross v. Hammersmith and Fulham London Borough Council, D.C. (1994) 93 L.G.R. 268

Pollution, control of

Sewage

Sewerage undertaker's customer discharging toxic industrial waste into sewer—Failure of pumping station in sewerage system—Waste entering controlled waters through overflow—Whether sewerage undertaker, customer and operator of sewerage system "causing" waste to enter controlled waters—Water Act 1989, s. 107(1)(a)

Attorney-General's Reference (No. 1 of 1994), C.A. [1995] 1 W.L.R. 599

PUBLIC POLICY

Damages

Birth of child see LIMITATION OF ACTION: **Personal injuries: Cause of action**

RESTITUTION

Quasi-contract

Cost of preparation for contract

Tender for development of land for housing accepted subject to contract—Developers incurring preparatory expenses—Delays causing site to remain undeveloped—No contract concluded—Whether developer entitled to recompense for expenses incurred

Regalian Properties Plc. v. London Dockland Development Corpn., Rattee J. [1995] 1 W.L.R. 212

Interest rate swap agreement see also CONTRACT: **Failure of consideration**

Bankers entering into interest rate swap agreements with local authority—Agreements ultra vires local authority and void—Whether bankers entitled to recover payments made—Whether compound interest recoverable

Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council, Hobhouse J. [1994] 4 All E.R. 972

RESTITUTION—continued**Quasi-contract—continued***Interest rate swap agreement—continued*

Local authority entering into parallel swap agreement with another local authority—Agreement ultra vires local authority and void—Defendant local authority seeking to recover sums paid under contract—Whether wagering contract—Whether parties entering into contract by way of business—Whether sums paid recoverable—Gaming Act 1845, s. 18—Gaming Act 1892, s. 1—Financial Services Act 1986, s. 63, Sch. 1, para. 12

Morgan Grenfell & Co. Ltd. v. Welwyn Hatfield District Council,
Hobhouse J. [1995] 1 All E.R. 1

RESTRAINT OF TRADE**Commission agent***Salesman*

Agreement to pay commission to self-employed agent after termination of engagement—Payment conditional on agent not competing or reaching retirement age—Whether conditions void—Whether severable **Marshall v. N.M. Financial Management Ltd.**,
Jonathan Sumption Q.C. [1995] 1 W.L.R. 1461; [1995] I.C.R. 1042

RESTRICTIVE COVENANT**Breach**

Damages see **INJUNCTION: Damages in lieu**

Enforceability*Covenant against carrying on specified business*

Use of burdened land for access to land not subject to covenant on which specified business to be carried on—Whether breach of covenant

Elliott v. Safeway Stores Plc., Judge Paul Baker Q.C. [1995] 1 W.L.R. 1396

RESTRICTIVE PRACTICES**Restriction***Agreements registrable*

Agreement to supply milk—Term restricting purchaser's freedom to sell milk to supplier's customers—Whether restriction in relation to milk supplied by supplier severable—Whether "term" relating exclusively to goods supplied—Whether agreement registrable—Restrictive Trade Practices Act 1976, s. 9(3)

Associated Dairies Ltd. v. Baines, Sir John Vinelott [1995] I.C.R. 296

REVENUE**Capital gains tax**

Appeal to commissioners see **Income tax**

Assessment

Returns—Return of disposals with complex formula for ascertaining amount of chargeable gains—Estimated assessment—Commissioners refusing to hear appeals of taxpayer's clients—Whether confirmation of estimated assessment correct—Taxes Management Act 1970, ss. 8(1), 12, 50(6)(7) **Horner v. Maden**, Lightman J. (1995) T.C. Leaflet No. 3440

Computation of gain

Acquisition cost—Debt acquired under assignment later paid off in instalments—Whether acquisition cost amount paid or market value—Whether market values when instalments of debt paid amounts paid or lower amounts—Capital Gains Tax Act 1979, s. 29A(1)

Whitehouse v. Ellam, Vinelott J. (1995) T.C. Leaflet No. 3433

Bank loan of U.S. dollars repayable on fixed date—Forward contract to purchase dollars to repay loan—Depreciation of sterling—Whether difference between proceeds of forward contract and original purchase price of dollars chargeable gain—Whether single composite contract between borrower and bank, including binding understanding that proceeds of forward contract to be used to repay dollar loans

Whittles v. Uniholdings Ltd. (No. 2), Sir John Vinelott (1994) T.C. Leaflet No. 3427

Disposal of assets

Inter-group transfer of share in exchange for shares in transferee company—Transferee company's acquisition cost—Whether share exchange involving "disposal"—Income and Corporation Taxes Act 1970, ss. 273, 279—Capital Gains Tax Act 1979, s. 78

N.A.P. Holdings U.K. Ltd. v. Whittles, H.L.(E.) (1994) T.C. Leaflet No. 3415

REVENUE—continued**Capital gains tax—continued***Neglect*

Loss of tax—Return made late—Assessment made, but payment of part of tax postponed—Whether assessment made to make good loss of tax attributable to neglect—Whether events after making of assessment to be taken into account—Taxes Management Act 1970, ss. 88(1) **Billingham v. Myers**, Knox J. (1994) T.C. Leaflet No. 3417

Penalty see Income tax

Retirement relief

Sale of part of farm—Sales and transfers of cattle and milk quota on or before completion, and after completion, of sale of land and buildings—Whether disposal of part of business—Finance Act 1985, s. 69 **Jarmin v. Rawlings**, Knox J. (1994) T.C. Leaflet No. 3414

Settlement

Non-resident trustees—Settlor with life interest—Power to transfer capital to settlor—Power exercised—Settlor assessable—Whether actual gains chargeable or effect of statutory provisions such that no amount chargeable—Finance Act 1981, s. 80—Finance Act 1988, Sch. 10, paras. 1, 2, 4 **De Rothschild v. Lawrenson**, C.A. (1995) T.C. Leaflet No. 3437

Corporation tax*Advance corporation tax*

Carry-back of surplus advance corporation tax—Repayment supplement—Distribution generating surplus advance corporation tax—Company negotiating downwards revision of postponed amounts of tax under open assessments for earlier periods—Whether claim to carry back surplus advance corporation tax precluding repayment supplement—Taxes Management Act 1970, s. 55—Income and Corporation Taxes Act 1988, ss. 239, 825(4)(a) **Savacentre Ltd. v. Inland Revenue Comrs.**, C.A. (1995) T.C. Leaflet No. 3446

Repayment—Corporation tax liabilities insufficient to set off accumulated advance corporation tax—Purchase of company having paid corporation tax—Group restructured—Dividend paid to company and by it to parent of group—Whether advance corporation tax repayable—Whether *Ramsay* principle applicable—Income and Corporation Taxes Act 1988, ss. 239, 247 **Pigott v. Staines Investments Ltd.**, Knox J. (1995) T.C. Leaflet No. 3426

Assessment

Accounting period—Assessment for period made out of time with leave of commissioner—Revision of period by inspector—Whether beginning or end of accounting period appearing to be uncertain—Whether fresh leave from commissioner required—Income and Corporation Taxes Act 1970, s. 247 **Kelsall v. Stipplechoice Ltd.**, C.A. (1995) T.C. Leaflet No. 3439

Capital allowances

Capital expenditure incurred by finance companies on plant and machinery—Plant and machinery leased out for installation in local authority premises—Whether plant after installation “belonging” to finance companies—Whether finance companies entitled to writing-down allowances—“Interest in the relevant land”—Finance Act 1971, s. 44(1)—Finance Act 1985, s. 59, Sch. 17, para. 3

Melluish v. B.M.I. (No. 3) Ltd., H.L.(E.) [1995] 3 W.L.R. 630

Deductible expenditure

Joint venture agreement involving taxpayer and two trading subsidiaries—Agreement to pay fee for 15 years—Agreement ending on payment of cancellation fee—Whether cancellation payment deductible—Whether revenue or capital payment—Whether expended wholly and exclusively for purposes of taxpayer's trade—Income and Corporation Taxes Act 1970, s. 130 **Vodafone Cellular Ltd. v. Shaw**, Jacob J. (1995) T.C. Leaflet No. 3431

Group relief

Individuals involved in joint venture, several companies being involved—One company advancing funds—Whether those moneys deductible as wholly and exclusively expended in course of trade—Income and Corporation Taxes Act 1970, s. 130

Stone & Temple Ltd. v. Waters, Sir John Vinelott (1994) T.C. Leaflet No. 3416

Loss relief

Claims for relief against other profits of same period—Claims refused—Whether estimated figures delivered within two-year time limit constituting claims—Express claims made after expiry of time limit—Previous late claims admitted without question—Whether revenue wrongly refusing claims—Income and Corporation Taxes Act 1970, s. 177(2)(10)—Taxes Management Act 1970, s. 1—Income and Corporation Taxes Act 1988, ss. 393(2)(11), 393A(10)

Reg. v. Inland Revenue Comrs., *Ex parte Unilever Plc.*, Macpherson of Cluny J. (1994) T.C. Leaflet No. 3411

REVENUE—continued**Corporation tax—continued***Loss relief—continued*

Trading liabilities payable in future years—Investments giving rise to interest received—Whether trading losses available for carry-forward against investment income—Whether interest “trading income”—Income and Corporation Taxes Act 1988, s. 393
Nuclear Electricity Plc. v. Bradley, Sir John Vinelott (1995) T.C. Leaflet No. 3429

Customs and excise*Importation of dutiable goods*

Relief from excise duty—Defendant charged with carrying dutiable goods in excess of specified quantities—Commissioners satisfied that goods imported for commercial purpose—Whether justices required to accept commissioners’ determination—Whether justices having power to hear evidence that goods brought in for personal use—Customs and Excise Management Act 1979, s. 170A—Excise Duties (Personal Reliefs) Order 1992, arts. 3, 5(3)
Customs and Excise Comrs. v. Carrier, D.C. [1995] 4 All E.R. 38

Income tax*Appeal to commissioners*

Capital gains tax appeal—Taxpayer seeking to be represented by individual whose membership of accountancy bodies suspended—Whether refusal by commissioners to allow such representation incorrect—Taxes Management Act 1970, s. 50(5)
Cassell v. Crutchfield, Blackburne J. (1995) T.C. Leaflet No. 3436

Appeal to High Court

Case stated—Fairness of hearing before commissioners—Complaint by taxpayer that he had no chance to put case to commissioners—Whether justiciable on appeal by case stated
Mellor v. Gurney, Blackburne J. (1994) T.C. Leaflet No. 3418

Case stated—Jurisdiction—Case stated not transmitted to court—Whether time limit for transmission mandatory or directory—Taxes Management Act 1970, s. 56

McGuckian v. Inland Revenue Comrs., C.A. (1994) T.C. Leaflet No. 3412

Capital allowances

Plant—Glasshouse providing environment for plants to remain in good condition until sold—Whether planteria “plant” used for purposes of taxpayer’s business—Finance Act 1971, ss. 41, 42

Gray v. Seymours Garden Centre (Horticulture), C.A. (1992) T.C. Leaflet No. 3443

Close company

Tax on loans to participators or their associates—Interest on tax—Balances due to company from participator’s associate’s firm—Whether chargeable although loans repaid before assessments raised—Company’s failure to notify chargeability—Income and Corporation Taxes Act 1970, s. 286—Taxes Management Act 1970, ss. 10, 109—Finance Act 1989, s. 149

Earlspring Properties Ltd. v. Guest, C.A. (1995) T.C. Leaflet No. 3432

Double taxation relief

Claim for payment of tax credits by Netherlands company—Dividends paid to it by U.K. subsidiary—Whether non-resident parent company controlled by two or more connected persons—Income and Corporation Taxes Act 1988, ss. 416, 839—Double Taxation Relief (Taxes on Income) (Netherlands) Order 1980, art. 10(3)(d)

Steele v. European Vinyls Corpn. (Holdings) B.V.,
 Lightman J. (1994) T.C. Leaflet No. 3423

Employment

Emolument—Benefits—Rights under share option scheme lapsing—Employer’s former parent company later making ex gratia payment—Whether payment chargeable to tax as emolument from employment or as benefit—Income and Corporation Taxes Act 1970, s. 181—Finance Act 1976, s. 61

Wilcox v. Eve, Carnwath J. (1994) T.C. Leaflet No. 3420

Emolument—Bonus for calendar year determined later—Payment deferred—Whether assessable in years referable to calendar year concerned, or when bonus determined, or when bonus paid

Griffin v. Standish, Sir John Vinelott (1995) T.C. Leaflet No. 3445

Emolument—Employer company deciding to go into liquidation and make supplementary redundancy payments to all employees—Company taken over—Payments made irrespective of whether employees eventually made redundant—Whether payments emoluments from employment—Income and Corporation Taxes Act 1970, s. 187

Allan v. Inland Revenue Comrs., Ct. of Sess. (1994) T.C. Leaflet No. 3421

REVENUE—continued**Income tax—continued***Employment—continued*

Payment on termination of employment—Taxpayer working for firm of accountants—Payment and car supplied on retirement—Taxpayer liable to pay equivalent sum if life policy maintained by firm matured—Whether employee or partner—Whether payment loan—Whether payments on account of disability—Income and Corporation Taxes Act 1988, s. 148, 188
Horner v. Hasted, Lightman J. (1995) T.C. Leaflet No. 3441

Payments on termination of employment—Severance pay paid in year in which taxpayer non-resident—Whether tax chargeable although not within Cases under which tax charged by Schedule E—Income and Corporation Taxes Act 1970, ss. 181, 187

Nichols v. Gibson, Sir John Vinelott (1994) T.C. Leaflet No. 3419

Share option schemes—Alterations to approved schemes proposed in view of merger of grantor company with another—Alterations to prevent merger triggering exerciseability of options—Whether revenue correctly refusing approval of proposed altered schemes—Income and Corporation Taxes Act 1988, Sch. 9, paras. 1, 4, 25, 29(1)

Inland Revenue Comrs. v. Reed International Plc., C.A. (1995) T.C. Leaflet No. 3447

Loss relief

Time limit—Claim for losses in business started ten years previously—Whether losses incurred in first year or in some later identifiable year—Whether claim made outside six-year time limit—Income and Corporation Taxes Act 1988, s. 385

Richardson v. Jenkins, Rattee J. (1994) T.C. Leaflet No. 3425

Penalty

Failure to comply with notice (or precept) issued by general commissioners—Penalties imposed—Information said to have been submitted previously—Whether penalties wrongly imposed or excessive—Taxes Management Act 1970, s. 51

Stoll v. High Wycombe General Comrs. (No. 2), Harman J. (1994) T.C. Leaflet No. 3424

Notices given by commissioners for particulars in relation to lettings—Particulars including details of purchases, sales and mortgages—Taxpayer not present at meeting when notices given—Non-compliance—Whether commissioners biased—Whether scope of notices excessive—Taxes Management Act 1970, s. 51

Khan v. General Comrs. for Newport and Inland Revenue Comrs.,
 Knox J. (1994) T.C. Leaflet No. 3413

Wilful default in making returns—Penalty proceedings commenced within three years of final determinations of amounts of tax concerned—Adjournment refused—Maximum penalties awarded—Whether proceedings time-barred—Whether adjournment to have been granted—Whether penalties excessive—Taxes Management Act 1970, s. 103(2)

Jolley v. General Comrs. for Bolton, Scott J. (1986) 65 T.C. 242

Retirement annuity relief

Income of external Name at Lloyd's—Whether "relevant earnings"—Whether income immediately derived from carrying on or exercise by taxpayer of trade—Income and Corporation Taxes Act 1988, ss. 619, 623(2)(c)

Koenigsberger v. Mellor, C.A. (1995) T.C. Leaflet No. 3438

Returns by third party

Auctioneer in receipt of sale proceeds—Returns required for money received on behalf of another—Whether auctioneer liable to make returns—Taxes Management Act 1970, s. 13

Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.,
 Rattee J. (1994) T.C. Leaflet No. 3422

Schedule D, Case I

Damages awarded to underwriters against managing agents—Whether damages taxable—Whether reduction to be made under rule in *British Transport Commission v. Gourley*—Finance Act 1993, ss. 171, 172, 184

Deeny v. Gooda Walker Ltd., Potter J. (1995) T.C. Leaflet No. 3430

Schedule D, Case II

Author—Preparatory papers of author sold—Whether proceeds of sale income of profession—Income and Corporation Taxes Act 1988, ss. 534, 535

Wain's Executors v. Cameron, Harman J. (1995) T.C. Leaflet No. 3434

Subject Matter

REVENUE—continued**Inheritance tax***Lifetime transfer*

Transfer of freehold interest subject to leases in favour of donor—Whether property enjoyed to exclusion of donor—Whether property subject to reservation of benefit—Finance Act 1986, s. 102 **Ingram v. Inland Revenue Comrs.**, Ferris J. [1995] 4 All E.R. 334

Relief for agricultural property

Land together with farmhouse and outbuildings used by deceased in carrying on farming business—Whether “agricultural land or pasture”—Whether deemed transfer of value qualifying for relief—Inheritance Tax Act 1984 (as renamed by Finance Act 1986, s. 100), ss. 115(2), 116—Interpretation Act 1978, s. 5, Sch. 1

Starke v. Inland Revenue Comrs., C.A. [1995] 1 W.L.R. 1439

Petroleum revenue tax*Tariff receipts allowance*

Tariff receipts from providing use of pipeline and other facilities to another oil field—User field transporting some oil by virtue of part ownership of pipeline and other facilities, and additional oil on payment of royalties—Whether allowance to be calculated by reference to amount of oil to which tariff receipts referable, or also to oil transported by virtue of part ownership—Oil Taxation Act 1983, s. 9, Sch. 3, paras. 1(2), 2(1)

Chevron U.K. Ltd. v. Inland Revenue Comrs., Sir John Vinelott (1995) T.C. Leaflet No. 3442

Tax avoidance*Transfer of assets abroad*

Investments in offshore funds both before and after taxpayers becoming resident in U.K.—Later investments subject to specific tax regime—Whether anti-avoidance provision applicable to transfers of assets by non-resident transferor—Whether exemption applicable since tax avoidance not purpose of transfer of assets—Income and Corporation Taxes Act 1988, ss. 553, 739, 741

Inland Revenue Comrs. v. Willoughby, C.A. (1994) T.C. Leaflet No. 3428

Settlements—Sales of rights to receive dividends—Complex scheme involving non-resident trustees—Trustees selling rights to dividends to resident company—Assessments on basis taxpayer having power to enjoy income of non-resident—Whether assessments to be upheld on basis that *Ramsay* principle applicable—Whether assessments to be treated as made on basis of different provision—Whether court having power to remit assessment to commissioners for amendment—Income and Corporation Taxes Act 1970, ss. 470, 478—Taxes Management Act 1970, ss. 56, 114

McGuckian v. Inland Revenue Comrs., C.A. (1994) T.C. Leaflet No. 3412

Value added tax*Fraudulent evasion*

Defendant failing to make returns or to pay assessments in full—Whether necessary to prove intention to make permanent default—Value Added Tax Act 1983, s. 39(1)

Reg. v. Dealy, C.A. [1995] 1 W.L.R. 658

Person liable

Company electing to waive exemption and charge VAT on rents—Rents collected by receiver appointed by bank in accordance with fixed legal charges—Whether company “going into receivership” where receiver of specific property appointed—Whether customs and excise entitled to treat receiver as taxable person—Whether receiver entitled to use VAT element of rents in discharge of debts owed to bank—Law of Property Act 1925, s. 109(8)—Value Added Tax (General) Regulations 1985 (as amended by Value Added Tax (General) Regulations 1985 (Amendment) Regulations 1985), reg. 11(1)(3)

Sargent v. Customs and Excise Comrs., C.A. [1995] 1 W.L.R. 821

ROAD TRAFFIC**Blood specimen***Requirement*

Failure to comply with relevant procedure—Motorists between 1985 and 1992 pleading guilty owing to error of law to driving with excess blood-alcohol—Application for judicial review—Whether order of certiorari available—Whether convictions to be quashed—Road Traffic Act 1972, s. 6(1)

Reg. v. Cheshire Justices, Ex parte Sinnott, D.C. [1995] R.T.R. 281

Failure to comply with relevant procedure—Procedure to be followed for provision of specimen—Road Traffic Act 1988, ss. 7, 8, 9

Reg. v. Cheshire Justices, Ex parte Cunningham, D.C. [1995] R.T.R. 287

ROAD TRAFFIC—continued**Blood specimen—continued****Requirement—continued**

Motorist at hospital declining to give breath specimens because of injuries—Sergeant making requirement for blood after asking whether matters to be taken into account—Failure to inform motorist why breath specimen not to be taken and to inquire whether medical reason preventing blood specimen being taken by doctor—Whether requirement properly made—Road Traffic Act 1988, ss. 5(1)(a), 7(1)(3)(4), 9

Reg. v. Burton-upon-Trent Justices, Ex parte Woolley, D.C. [1995] R.T.R. 139

Breath specimen for analysis**Consumption of alcohol**

Alcohol injected into body for medical reasons—Possibility of injected alcohol affecting breathalyser reading—Whether “consuming” including injection of alcohol—Road Traffic Act 1988, s. 5(1) **Director of Public Prosecutions v. Johnson, D.C. [1995] 1 W.L.R. 728**

Failure to provide specimen

Motorist arrested for burglary—Requirement to provide breath specimens made at police station—Plea of guilty to offence of failing to provide specimen for roadside test—Whether element of offence satisfied—Whether motorist pleading to incompetent offence—Whether 3-year disqualification to stand—Road Traffic Act 1988, ss. 6(1), 7(6)

Reg. v. Moore (Frank), C.A. [1994] R.T.R. 360

“Reasonable excuse”—Motorist injured in collision providing positive specimen for breath test prior to hospital treatment—Subsequently providing one specimen for Intoximeter—No breath registering for second reading—Charge of failing to provide specimen—Expert evidence of person’s ability to provide breath analysis sample after successful provision of breath testing sample—Justices finding “reasonable excuse” for failure to provide specimen—Whether perverse—Road Traffic Act 1988, s. 7(1)(6)

Director of Public Prosecutions v. Radford, D.C. [1995] R.T.R. 86

Printout

No oral evidence or certificate produced as to reliability—Justices convicting of driving with excess alcohol in reliance on printout—Appeal to Crown Court—Crown Court refusing to hear evidence as to reliability—Whether proper—Whether appropriate to apply for judicial review of decision to convict—Whether justices’ decision to convict to be set aside—Police and Criminal Evidence Act 1984, s. 69(1)

Reg. v. Medway Magistrates’ Court, Ex parte Goddard, D.C. [1995] R.T.R. 206

Careless driving**Causing death having consumed excess alcohol**

Sentence—Combination order of 80 hours community service and 12 months probation and 12 months disqualification—Exemplary previous record—Offender losing relative and being in loco parentis to victim’s 4-year-old son—Child having lost father and losing uncle if offender gaoled—Whether sentence lenient—Whether court to interfere—Whether Attorney-General’s reference properly made—Road Traffic Act 1988, s. 3A(1)(b)

Reg. v. Asquith (Attorney-General’s Reference (No. 8 of 1994)), C.A. [1995] R.T.R. 54

Sentence—Features aggravating offence—More than one death—Whether good character and testimonials major mitigating factors—Whether custodial sentence of three years appropriate—Road Traffic Act 1988, s. 3A(1)(b) (as inserted by Criminal Justice Act 1993, s. 67(1))

Reg. v. McCabe, C.A. [1995] R.T.R. 197

Sentence—Prime concern of court—Whether criminality of person causing death—Length of sentence depending on particular circumstances, extent of recklessness and amount of alcohol excess over limit—Whether substantial sentence to be passed on offender 2½ to 3 times over limit—Whether regard primarily to mitigation and remorse sufficient excuse for insufficiently long sentence—Road Traffic Act 1988, s. 3A(1)(b) (as inserted by Road Traffic Act 1991, s. 3)—Criminal Justice Act 1988, s. 36(1)

Reg. v. Wing (Attorney-General’s Reference (No. 32 of 1994)), C.A. [1995] R.T.R. 119

Causing death when unfit through drink or drugs

Car colliding with concrete block at end of crash wall on flyover—Defence expert opining mechanical defect causing locked steering relying on view of locus in quo, witness statements and police photographs—Destruction of car before examination by defence expert—Conflict between experts—Whether destruction of car affecting fairness of trial—Whether case properly left to jury—Whether verdict safe and satisfactory—Road Traffic Act 1988, s. 3A(1)(a) (as inserted by Road Traffic Act 1991, s. 3)

Reg. v. Beckford (Anthony), C.A. [1995] R.T.R. 251

ROAD TRAFFIC—continued**Careless driving—continued***Causing death when unfit through drink or drugs—continued*

Sentence—Unfitness resulting from drug—Whether sentencing guidelines on drink related driving offences helpful for drug-related driving offence—Whether sentence to be determined on basis of unlawful drug consumption having adverse effect on manner of driving—Whether nature of driving for consideration—Road Traffic Act 1988, s. 3(A)(1)(a)

Reg. v. Jordan, C.A. [1995] R.T.R. 201

Necessity as defence

Road junction—Vehicle used for police purposes crossing against red light—Whether defence of necessity available—Road Traffic Act 1988, s. 3 (as substituted by Road Traffic Act 1991, s. 2)—Traffic Signs Regulations and General Directions 1981, reg. 34(1)

Director of Public Prosecutions v. Harris (Nigel), D.C. [1995] R.T.R. 100; [1995] 1 Cr.App.R. 170

Dangerous driving*Causing death by*

Evidence of alcohol consumption—Whether admissible—Whether amount relevant—Whether necessary to establish likely or actual adverse effect on driver—Road Traffic Act 1988 (as amended by Road Traffic Act 1991, s. 1), ss. 1, 2A

Reg. v. Woodward (Terence), C.A. [1995] 1 W.L.R. 375

Police constable attempting to stop driver and pillion passenger on stolen motor cycle—Constable driving towards middle of road with headlights flashing—Motor cycle colliding with police car resulting in death of motor-cyclist and passenger—Activities of police surveillance squad and senior officers criticised in summing up—Whether relevant—Whether misdirection—Whether conviction to be quashed—Road Traffic Act 1988, s. 2A

Reg. v. Wallington, C.A. [1995] R.T.R. 112

Sentence—Driving with excess alcohol three times above permitted limit—High speed and erratic driving on motorway—Loss of control resulting in deaths of two lorry drivers—Testimonials to good works of offender—Imprisonment for 15 months and disqualification for life—Whether unduly lenient—Criminal Justice Act 1988, s. 36(1)

Reg. v. Nevison (Attorney-General's Reference (No. 22 of 1994)), C.A. [1995] R.T.R. 333

Sentence—Offender driving at excessive speed on road with acute bends losing control and killing schoolgirl—Aggravating feature of road warning signs ignored and offender's knowledge that road hazardous—240 hours' community service—Disqualification for five years—Driving test before licence regained—Whether unduly lenient—Criminal Justice Act 1988, s. 36(1)—Road Traffic Act 1991, s. 1

Reg. v. Day (Attorney-General's Reference (No. 1 of 1994)), C.A. [1995] R.T.R. 183

Sentence—Prime concern of court—Whether criminality of person causing death—Length of sentence depending on particular circumstances, extent of dangerousness and, if alcohol involved, amount of excess over limit—Whether substantial sentence to be passed on offender $2\frac{1}{2}$ to 3 times over limit—Whether regard primarily to mitigation and remorse sufficient excuse for insufficiently long sentence—Road Traffic Act 1988, s. 1 (as substituted)—Criminal Justice Act 1988, s. 36(1)

Reg. v. Rayner (Attorney-General's Reference (No. 24 of 1994)), C.A. [1995] R.T.R. 119

Sentence—Prolonged and bad driving—Absence of aggravating factor of drink—Four other aggravating factors present—Imprisonment for four years—Sentence lenient but not insubstantial—Double jeopardy on reference by Attorney General—Whether sentence to be varied

Reg. v. Sergeant (Attorney-General's Reference (No. 37 of 1994)), C.A. [1995] R.T.R. 309

Disqualification*Period*

Motorist aged 23 convicted of aggravated vehicle-taking and dangerous driving—Five years' disqualification and 18 months' imprisonment imposed—Likelihood of disqualification period impairing motorist's employment on release—Whether period in addition to prison excessive and unnecessary—Whether reduction of period proper in circumstances—Whether requirement to pass "appropriate driving test" to be ordered—Whether such requirement sometimes overlooked—Road Traffic Offenders Act 1988, ss. 34(1), 36

Reg. v. Callum, C.A. [1995] R.T.R. 246

ROAD TRAFFIC—continued**Disqualification—continued***Removal*

Legal aid refused for application for removal of disqualification—Whether proper—Whether applicant eligible for representation and entitled to necessary medical report—Legal Aid Act 1988 (as amended), ss. 19(1)(2)(5), 21, 43—Road Traffic Offenders Act 1988, s. 42

Reg. v. Liverpool Crown Court, Ex parte McCann, D.C. [1995] R.T.R. 23

"Special reasons"

Motorist at pub not intending to drive fearing attack on child and baby-sitter—Driving home after attempts to obtain taxi and help from friends—Driving unexceptional and amount of alcohol not considerably over prescribed limit—Whether "special reasons" properly found—Whether proper exercise of discretion not to disqualify—Road Traffic Act 1972, s. 93(1)

Director of Public Prosecutions v. Knight (Note) (1988), D.C. [1994] R.T.R. 374

Motorist consuming alcohol with no intention of driving—Friends injured in disturbance—Neither ambulance nor taxi available—Motorist driving friends to hospital—Whether "special reasons" properly found—Whether proper exercise of decision not to disqualify—Road Traffic Offenders Act 1988, s. 34(1)

Director of Public Prosecutions v. Upchurch, D.C. [1994] R.T.R. 366

Driving or attempting to drive*Driving*

Motorist sitting in driver's seat with keys in ignition parked on road in early hours—Police constable smelling alcohol asking motorist if he had driven to place where parked—Whether confession by motorist admissible in absence of caution—Whether breach of Code of Practice—Whether other evidence of motorist having driven—Police and Criminal Evidence Act 1984, s. 78—Codes of Practice (Revised ed. 1991), C10.1

Whelehan v. Director of Public Prosecutions, D.C. [1995] R.T.R. 177

In charge

Vehicle's wheel clamped in car park—Fee required for releasing clamp—Motorist refusing to pay release fee and attempting to remove clamp—Justices finding motorist in charge and having intention to drive if successful in removing clamp—Finding of clamped wheel being "damage" for disregarding on determination of motorist having likelihood of driving with excess alcohol—Whether according with sensible view of facts—Whether clamped wheel constituting "damage"—Whether finding justified of motorist being "in charge"/of immobilised vehicle—Road Traffic Act 1988, s. 5(1)(b)(2)(3)

Drake v. Director of Public Prosecutions, D.C. [1994] R.T.R. 411

Goods vehicle*Purpose for which constructed*

Vehicle constructed with boiler to carry molten asphalt—Addition of burners and stirring device to maintain molten state for use in laying floors—Goods design weight of 16,260 kgs.—Whether licence tax chargeable at basic rate of duty—Whether vehicle primarily constructed to carry loads of asphalt—Whether addition of burners and stirring device altering fact of primary purpose—Whether exempt from regulations—"Engineering plant"—Road Vehicles (Construction and Use) Regulations 1986, reg. 3(2) table, cols. 1, 2(a)

Director of Public Prosecutions v. Derbyshire, D.C. [1994] R.T.R. 351

Restriction on use

Weight exceeding 16.5 tonnes—Permit for essential driving in restricted street—Requirement to minimise use of restricted roads—Provision for considering revocation of permit on breach of condition—Whether precluding offence by breach of permit condition—Whether non-essential use offensive—Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (No. 343), arts. 3, 4, 5, 6(4)—Conditions Normally Considered for Attachment to a Permit under the London Boroughs Scheme for Implementation and Enforcement of Greater London (Restriction of Goods Vehicles) Traffic Order 1985, cond. 5

Post Office v. Richmond London Borough Council, D.C. [1995] R.T.R. 28

Tachograph recording equipment

Drivers driving in excess of permitted hours and without required breaks—Employer's transport manager responsible for checking records and warning offending drivers—Whether repeated contraventions "permitted" by transport manager—Transport Act 1968, s. 96(11A)

Light v. Director of Public Prosecutions, D.C. [1994] R.T.R. 396

Record sheet—Driver's work time as driver recorded on tachograph—Driver then working overtime for employer on general labouring—Whether overtime part of rest period—Whether overtime to be recorded on record sheet—Transport Act 1968, s. 96(11A)—Council Regulation (E.E.C.) No. 3820/85, arts. 1(5), 8(1)—Council Regulation (E.E.C.) No. 3821/85, art. 15(2)(3)

Prime v. Hosking, D.C. [1995] R.T.R. 189

ROAD TRAFFIC—continued**Goods vehicle—continued***Weight*

Van and goods trailer—Manufacturer's plate showing maximum train weight of vehicle as 4.6 tonnes—Plates of manufacturer showing gross laden weight of van as 2.6 tonnes and of trailer as 0.9 tonnes—Whether "maximum permissible weight" exceeding 3.5 tonnes—Transport Act 1968 s. 97(1)(7) (as substituted and amended)—Council Regulation (E.E.C.) No. 3820/85, arts. 1, 4(1)—Road Traffic Act 1988, s. 108

Small v. Director of Public Prosecutions, D.C. [1995] R.T.R. 95

Licence*Excise licence*

Fraudulent use—Altered tax disc exhibited on car parked on private land—No evidence of use of car on public road—Intention of future use on public road—Whether sufficient to constitute offence of fraudulent use—"Fraudulently uses . . . licence . . . under this Act"—Vehicles (Excise) Act 1971, ss. 8(1), 26(1)(c)

Reg. v. Johnson (Tony), C.A. [1995] R.T.R. 15

Motor vehicle*Aggravated vehicle-taking*

Sentence—Driver's sentence reduced owing to statutory restrictions on sentencing young offenders—Sentence on passengers longer than on driver—Whether disparity—Theft Act 1968, ss. 12(1), 12A (as inserted by Aggravated Vehicle-Taking Act 1992, s. 1(1))

Reg. v. Harper, C.A. [1995] R.T.R. 340

Sentence—Passenger sentenced to six months' detention and three year disqualification—Driver subsequently sentenced to nine months' imprisonment and one year disqualification—Whether unfair disparity—Theft Act 1968, s. 12A (as inserted by Aggravated Vehicle-Taking Act 1992, s. 1(1))

Reg. v. Gostkowski, C.A. [1995] R.T.R. 324

Sentence—Validity—Length of sentence depending on whether injury or death resulting—Indictment charging aggravated vehicle-taking with subsequent dangerous driving—Death resulting from dangerous driving—Imposition of sentence exceeding sentence for injury—Whether valid—Whether indictment to set out facts constituting necessary ingredients of offence—Theft Act 1968, s. 12A(1)(2)(a)(b)(4)

Reg. v. Sherwood, C.A. [1995] R.T.R. 60

Public service vehicle*Tachograph records*

Passenger coach driven from depot to docks prior to picking up passengers—Employer failing to issue record sheets to driver—Whether required—Whether company wholly owning operating company driver's employer—Council Regulation (E.E.C.) No. 3820/95, art. 1—Council Regulation (E.E.C.) No. 3821/85, arts. 13, 15

Appleby (R.W.) Ltd. v. Vehicle Inspectorate, D.C. [1994] R.T.R. 380

Speed limit*Driving at speed in excess of limit*

Evidence of speed recorded on speed measuring device—Frequent use by operator of "GR Speedman"—Whether device computer—Whether reading admissible in evidence without "certificate"—Whether sufficient admissible evidence of device working properly—Road Traffic Regulation Act 1984, s. 89

Darby v. Director of Public Prosecutions, D.C. [1995] R.T.R. 294

Urine specimen*Analysis*

Motorist required to provide specimen of blood—No question to motorist about any medical reason for not taking blood—Blood specimen untakeable because of collapse of vein—Subsequent request for urine specimen—Whether analysis evidence of urine admissible—Road Traffic Act 1988, s. 7(3)

Director of Public Prosecutions v. Garrett, D.C. [1995] R.T.R. 302

Use on road*"Use"*

Passenger knowing driver to be uninsured allowing himself to be carried—Passenger becoming insensible with drink—Driver involved in collision resulting in injuries to passenger—Whether passenger "a person using the vehicle"—Whether Motor Insurers' Bureau liable to passenger—Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement (1972), cl. 1, 2, 5(1)(a), 6(1)(c)

Stinton v. Stinton, C.A. [1995] R.T.R. 167

SAINT VINCENT AND THE GRENADINES**Alien***Land-holding regulation*

Land held by unlicensed aliens "shall be forfeited" to Crown—Whether forfeiture automatic—Aliens (Land-Holding Regulation) Act, ss. 3, 4(2), 5, 16

Ho Young v. Bess, P.C. [1995] 1 W.L.R. 350

Crime*Appellate jurisdiction*

Appeal to Eastern Caribbean Court of Appeal—Notice of appeal against conviction to be made "in such manner as may be directed by rules of court . . . within 14 days" of date of conviction—Rules of court requiring notice of appeal to be signed by appellant—Appellant filing notice within 14 days but without appending signature—Whether court having power to waive requirement for signature—Whether waiver retrospectively validating notice—Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act, s. 48(1)(2)—West Indies Associated States Court of Appeal Rules 1968, rr. 11, 44(1)

Pollard v. The Queen, P.C. [1995] 1 W.L.R. 1591

SALE OF GOODS**Contracts***Incorporation of charter provisions*

Plaintiffs selling oil to defendants—Vessels chartered to perform contracts—Vessels taking longer to discharge cargo and plaintiffs claiming demurrage—Whether time bar provisions in charter incorporated into sales contracts—Whether plaintiffs' claim time-barred

O.K. Petroleum A.B. v. Vitol Energy S.A., Colman J. [1995] 2 Lloyd's Rep. 160

Description*Sampling and analysis*

Sale of M.40 fuel oil—Price adjustment by reference to viscosity—Whether SGS analysis final and binding on parties—Effect of incorporation clause—Whether implied terms incorporated in contract

Apioil Ltd. v. Kuwait Petroleum Italia S.p.A., Colman J. [1995] 1 Lloyd's Rep. 124

Implied term*Fitness for purpose*

Sale in course of business by agent for undisclosed principal—Principal not selling in course of business—Not brought to buyer's notice—Whether entitled to rely on implied conditions—Sale of Goods Act 1979, s. 14(2)(3)(5)

Boyer v. Thomson, H.L. (Sc.) [1995] 2 A.C. 628; [1995] 3 W.L.R. 36

Merchantable quality

Defendants alleging gasoil contaminated by bacteria in such quantities as to be non-acceptable—Whether presence of bacteria affecting price or merchantability—Whether plaintiffs entitled to recover moneys deducted by defendants from sale price

Marimpex Mineralöl Handelsgesellschaft M.B.H. v. Louis Dreyfus et Cie. Mineralöl G.m.b.H., Clark J. [1995] 1 Lloyd's Rep. 167

Non-delivery*Prohibition of import*

Import of sugar into Bangladesh controlled by import licences—Government revoking licences—Whether contract imposing obligation on buyers to import sugar into Bangladesh—Whether buyers able to rely on revocation of licence as frustrating event—Whether assessment of damages proper

Bangladesh Export Import Co. Ltd. v. Sucden Kerry S.A., C.A. [1995] 2 Lloyd's Rep. 1

Repudiation*Non-contractual tender*

Sellers tendering alternative parcel at place other than named port—Whether place of delivery condition or innominate term—Whether buyers estopped from asserting that delivery did not comply with contract—Whether sellers entitled to claim damages

Petrotrade Inc. v. Stinnes Handel G.m.b.H., Colman J. [1995] 1 Lloyd's Rep. 142

SHIPPING**Bill of lading***Arbitration clause*

Plaintiffs alleging misdelivery of cargo—Clause in fixture confirmation telex providing "General average/Arbitration in London-English law to apply"—Construction—Whether claim to be referred to arbitration in London before single arbitrator—Whether plaintiffs entitled to relief claimed

Swiss Bank Corpn. v. Novorissysk Shipping Co., Potter J. [1995] 1 Lloyd's Rep. 202

SHIPPING—continued**Bill of lading—continued***Cargo, damage to*

Carriage of drums of hydrochloric acid and sodium hypochlorite in containers—Containers found to be leaking—Whether suppliers of drums negligent in stowage of drums—Whether alleged contamination of vessel constituting damage—Whether plaintiff's claim wholly or in part for economic loss—Whether claim to be struck out

Losinjaska Plovidba v. Transco Overseas Ltd., Mance J. [1995] 2 Lloyd's Rep. 395

Carriage of MDG plant machinery—Liner booking note requiring cargo to be carried under deck—No similar provision in bill of lading—Part of cargo stowed on deck—Whether carrier obliged to carry goods below deck—Whether damage to goods caused by carriers' breach—Whether stowage on deck reckless—Whether Hague-Visby Rules limitation provisions applicable

Nelson Pine Industries Ltd. v. Seatrans New Zealand Ltd.,
New Zealand High Court (Ellis J.) [1995] 2 Lloyd's Rep. 290

Delivery without documents

Delivery orders—Iraq invading Kuwait—Time charterers ordering discharge of cargo without presentation of bills of lading—Whether order lawful—Whether owners bound to comply

Kuwait Petroleum Corp. v. I. & D. Oil Carriers Ltd., C.A. [1994] 2 Lloyd's Rep. 541

Goods delivered without presentation of original bills of lading—Whether defendants able to rely on clauses in bill of lading—Whether Commercial Sea Port in St. Petersburg acting as agent of plaintiffs—Whether plaintiffs mitigating their loss—Measure of damages—Whether charterers in breach of contract—Whether charterers acting as bailees

M.B. Pyramid Sound N.V. v. Briese Schifffahrts G.m.b.H. and Co.,
Clarke J. [1995] 2 Lloyd's Rep. 144

Seaworthiness

Failure of shell plating on port side of No. 4 hold—Total loss of cargo—Whether vessel unseaworthy—Whether unseaworthiness caused by want of due diligence

The Toledo, Clarke J. [1995] 1 Lloyd's Rep. 40

Plaintiffs' cargo shipped on defendants' vessel—Fire occurring—Likely cause of fire—Whether vessel unseaworthy at beginning of voyage—Whether defendants exercising due diligence—Whether salvage expenses recoverable—E.E.C. restitution claim

The Subro Valour, Clarke J. [1995] 1 Lloyd's Rep. 509

Time bar

Plaintiffs claimed under bill of lading for damage to cargo—Statement of claim amended to claim under charterparty—Defendants not party to charter—Whether amended claim within Hague Rules time limit—Whether plaintiffs entitled to re-amend statement of claim to rely on bill of lading

Continental Fertilizer Co. Ltd. v. Pionier Shipping C.V.,
Phillips J. [1995] 1 Lloyd's Rep. 223

Charterparty*Arbitration clause*

Set-off—Off-hire claims—Dispute under charter subject to arbitration clause—Whether set-off pleaded not actionable since claim within arbitration clause

Aectra Refining and Marketing Inc. v. Exmar N.V., C.A. [1995] 1 Lloyd's Rep. 191

Dangerous cargo

Carriage of cargo of fuel oil—Explosion occurring while vessel preparing to discharge—Whether due to contamination from previous cargoes—Whether owners consenting to shipment of dangerous cargo—Whether owners failing to ensure that heating coils not leaking—Whether owners failed to exercise due diligence to make vessel seaworthy—Hague-Visby Rules, art. III, rr. 1, 2, art. IV, r. 6

Mediterranean Freight Services Ltd. v. B.P. Oil International Ltd.,
C.A. [1994] 2 Lloyd's Rep. 506

Demise charter

Cargo owners alleging damage to cargo by contamination—Exchange of telexes between cargo owners and vessel's P. and I. club—Whether demise charterers granted extension of time—Whether demise charterers estopped from relying on one year time limit

The Stolt Loyalty, C.A. [1995] 1 Lloyd's Rep. 598

Demurrage

Owners given option to tranship—Additional time in respect of discharging operations from vessel into which cargo transhipped—Whether owners entitled to recover damages from charterers

Cornelius (E.G.) & Co. Ltd. v. Christos Maritime Co. Ltd.,
Mance J. [1995] 1 Lloyd's Rep. 106

SHIPPING—continued

Charterparty—continued

Time charter

Duty to maintain clause—11 stoppages of discharge due to boiler trouble—Vessel ordered off berth due to deteriorating weather conditions—Seawater found to have entered boiler through crack in condenser—Whether owners failing to comply with duty to maintain obligation—Whether vessel off-hire—Whether charterers entitled to be indemnified for loss of time

International Fina Services A.G. v. Katrina Shipping Ltd., C.A. [1995] 2 Lloyd's Rep. 344

Hire—Anti-technicality clause—Non-receipt of hire—Owners giving notice of withdrawal out of business hours—Whether notice "received" by charterers when recorded on telex machine or when office opening next business day—Whether notice valid

Schelde Delta Shipping B.V. v. Astarte Shipping Ltd.,
Gatehouse J. [1995] 2 Lloyd's Rep. 249

Hire—Chartererers moving to London following invasion of Kuwait by Iraq—Delay by owners in carrying out charterers' orders—Whether vessel off hire—Whether loss of time caused by breach of charter by owners—Whether owners acting reasonably—Whether cargo able to be discharged without presentation of bill of lading

Kuwait Petroleum Corpn. v. I. & D. Oil Carriers Ltd., C.A. [1994] 2 Lloyd's Rep. 541

Hire—Common law set-off—Claims for deduction of hire and bunkers—Whether liquidated sums—Whether claims capable of being set off at common law

Aectra Refining and Manufacturing Inc. v. Exmar N.V., C.A. [1995] 1 Lloyd's Rep. 191

Hire—Non-payment—Vessel sub-chartered—Owners claiming against charterers, charterers' agents and their owners for non-payment of hire—Whether right to contest jurisdiction waived—Whether Brussels Convention applicable—Civil Jurisdiction and Judgments Act 1982, ss. 24, 25, Sch. 1, arts. 1(4), 2, 6(1)

Qingdao Ocean Shipping Co. v. Grace Shipping Establishment,
Rix J. [1995] 2 Lloyd's Rep. 15

Indemnity—Implied term—Shipowners incurring loss in complying with charterers' orders as to employment of vessel—Shipowners claiming implied right to be indemnified by charterers in respect of loss—Whether shipowners entitled to indemnity—Whether claim to indemnity implied term of charterparty

Triad Shipping Co. v. Stellar Chartering & Brokerage Inc., C.A. [1995] 1 All E.R. 595

Loss of time clause—Vessel drydocking at Pireaus after discharging at Ravenna—Vessel ordered to Novorossiysk—Whether time lost by drydocking from dropping of outward pilot at Ravenna—Whether voyage to Piraeus en route to Novorossiysk and no time lost

Forestships International Ltd. v. Armonia Shipping and Finance Corpn.,
Tuckey J. [1995] 1 Lloyd's Rep. 103

Collision

Crossing vessels

Collision at northern entrance to Panama Canal—Liability for collision—Apportionment of liability

The Devotion and Golden Polydinamos, C.A. [1995] 1 Lloyd's Rep. 589

Collision in access channel to port of Buenos Aires—Whether either or both vessels to blame for collision—Apportionment of blame

The San Nicolas, Clarke J. [1994] 2 Lloyd's Rep. 582

Collision off west coast of California—Alterations of course by vessels—Poor lookout—Liability for collision—Apportionment of liability

The Angelic Spirit, Clarke J. [1994] 2 Lloyd's Rep. 595

Gulf of Thailand—Whether vessels crossing or on reciprocal courses—Whether sole cause of collision failure to give way or alteration of course to starboard—Liability for collision—Apportionment

The Lok Vivek and Common Venture, Clarke J. [1995] 2 Lloyd's Rep. 230

Conflict of laws

Forum conveniens

Damage to goods—Actions brought in Rotterdam and England—Whether proceedings in Rotterdam involving same cause of action as proceedings in England—Whether action to be stayed—Whether Rotterdam more appropriate forum—Whether specialised Convention preventing operation of Convention relating to jurisdiction—Civil Jurisdiction and Judgments Act 1982, Sch. 1, arts. 21, 22, 57—Convention on Limitation of Liability for Maritime Claims 1976, art. 6A

The Maciej Rataj, E.C.J. [1995] 1 Lloyd's Rep. 302

SHIPPING—continued**General average****Contribution**

Vessel carrying defendants' cargo breaking down and requiring to be salvaged—Breakdown resulting from failure of bearing in coupling box clutch assembly—Whether exercise of due diligence would have prevented failure of bearing—Whether plaintiffs entitled to general average contribution from defendants

Anderson v. Attorney-General of New Zealand, Waller J. [1995] 2 Lloyd's Rep. 264

Sale of ship**Contract**

Norwegian Saleform (1983 rev.)—Vessel at sellers' risk until delivery—Sellers to notify classification society of matters affecting class prior to delivery—Dispute as to condition of vessel on delivery—Whether sellers under obligation to notify matters "coming to their knowledge" as from contract date, last survey date or some other date

Niobe Maritime Corpn. v. Tradax Ocean Transportation S.A.,
H.L.(E.) [1995] 1 Lloyd's Rep. 579

SHIPS' NAMES

Afala *Interatlantic (Namibia) (Pty.) Ltd. v. Okeanski Ribolov Ltd.*, [1995] 2 Lloyd's Rep. 286

Al Tabith *The Al Tabith and Alanfushi, C.A.* [1995] 2 Lloyd's Rep. 336

Alanfushi *The Al Tabith and Alanfushi, C.A.* [1995] 2 Lloyd's Rep. 336

Angelic Grace

Aggeliki Charis Compania Maritima S.A. v. Pagnan S.p.A., C.A. [1995] 1 Lloyd's Rep. 87

Angelic Spirit *The Angelic Spirit*, Clarke J. [1994] 2 Lloyd's Rep. 595

Anna H *The Anna H, C.A.* [1995] 1 Lloyd's Rep. 1

Capricorn *Cepheus Shipping Corpn. v. Guardian Royal Exchange Assurance Plc.*,
Mance J. [1995] 1 Lloyd's Rep. 622

Christos *Cornelius (E.G.) & Co. Ltd. v. Christos Maritime Co. Ltd.*,
Mance J. [1995] 1 Lloyd's Rep. 106

Common Venture *The Lok Vivek and Common Venture*, Clarke J. [1995] 2 Lloyd's Rep. 230

Danica Brown *Anderson v. Attorney-General of New Zealand*, Waller J. [1995] 2 Lloyd's Rep. 264

Devotion *The Devotion and Golden Polydinamos, C.A.* [1995] 1 Lloyd's Rep. 589

Fina Samco *International Fina Services A.G. v. Katrina Shipping Ltd.*,
C.A. [1995] 2 Lloyd's Rep. 344

Fiona *Mediterranean Freight Services Ltd. v. B.P. Oil International Ltd.*,
C.A. [1994] 2 Lloyd's Rep. 506

Foresight Driller II *Zeeland Navigation Co. Ltd. v. Banque Worms*,
Rix J. [1995] 1 Lloyd's Rep. 251

Fraternity L *The San Nicolas*, Clarke J. [1994] 2 Lloyd's Rep. 582

Frio Chile *Agra Trading Ltd. v. McAuslin, Colman J.* [1995] 1 Lloyd's Rep. 182

Frotanorte *Frota Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd.*, Longmore J. [1995] 2 Lloyd's Rep. 254

Glacier Bay *West of England Shipowners Mutual Insurance Association (Luxembourg) v. Cristal Ltd.*, Potter J. [1995] 1 Lloyd's Rep. 560

Golden Polydinamos *The Devotion and Golden Polydinamos, C.A.* [1995] 1 Lloyd's Rep. 589

Houda *Kuwait Petroleum Corpn. v. I. & D. Oil Carriers Ltd.*, C.A. [1994] 2 Lloyd's Rep. 541

Ikarian Reefer *National Justice Compania Naviera S.A. v. Prudential Assurance Co. Ltd.*,
C.A. [1995] 1 Lloyd's Rep. 455

Ines *M.B. Pyramid Sound N.V. v. Briese Schiffahrts G.m.b.H. and Co.*,
Clarke J. [1995] 2 Lloyd's Rep. 144

Ira *Forestships International Ltd. v. Armonia Shipping and Finance Corpn.*,
Tuckey J. [1995] 1 Lloyd's Rep. 103

Island Archon *Triad Shipping Co. v. Stellar Chartering & Brokerage Inc.*,
C.A. [1995] 1 All E.R. 595

Lloyd Pacifico *The Lloyd Pacifico*, Clarke J. [1995] 1 Lloyd's Rep. 54

Lok Vivek *The Lok Vivek and Common Venture*, Clarke J. [1995] 2 Lloyd's Rep. 230

Looiersgracht *The Looiersgracht*, Canada Federal Court [1995] 2 Lloyd's Rep. 411

Marine Star *Coastal (Bermuda) Petroleum Ltd. v. VTT Vulcan Petroleum S.A. (No. 2)*,
Mance J. [1994] 2 Lloyd's Rep. 629

Nagasaki Spirit *Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.*,
Clarke J. [1995] 2 Lloyd's Rep. 44

New Vanguard *Aectra Refining and Marketing Inc. v. Exmar N.V.*,
C.A. [1995] 1 Lloyd's Rep. 191

Nicholas H *Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd.*, H.L.(E.) [1995] 3 W.L.R. 227

Niobe *Niobe Maritime Corpn. v. Tradax Ocean Transportation S.A.*,
H.L.(E.) [1995] 1 Lloyd's Rep. 579

Naftilos LS *Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Ltd.*,
Colman J. [1995] 1 W.L.R. 299

SHIPS' NAMES—continued

<i>Orjula</i>	Losinjska Plovidba v. Transco Overseas Ltd. , Mance J. [1995] 2 Lloyd's Rep. 395
<i>Pamela</i>	Schelde Delta Shipping B.V. v. Astarte Shipping Ltd. , Gatehouse J. [1995] 2 Lloyd's Rep. 249
<i>Pembroke</i>	Nelson Pine Industries Ltd. v. Seatrans New Zealand Ltd. , New Zealand High Court (Ellis J.) [1995] 2 Lloyd's Rep. 290
<i>Petr Shmidt</i>	Swiss Bank Corp'n. v. Novorissiysk Shipping Co. , Potter J. [1995] 1 Lloyd's Rep. 202
<i>Pionier</i>	Continental Fertilizer Co. Ltd. v. Pionier Shipping C.V. , Phillips J. [1995] 1 Lloyd's Rep. 223
<i>San Nicolas</i>	The San Nicolas , Clarke J. [1994] 2 Lloyd's Rep. 582
<i>Santa Clara</i>	Vitol S.A. v. Norelf Ltd. , C.A. [1995] 3 W.L.R. 549
<i>Santa Cruz Tres</i>	Schumacher (trading as Vita Konzern) v. Laurel Island Ltd. , Mance J. [1995] 1 Lloyd's Rep. 208
<i>Sava Star</i>	The Sava Star , Clarke J. [1995] 2 Lloyd's Rep. 134
<i>Star Sea</i>	Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd. , Tuckey J. [1995] 1 Lloyd's Rep. 651
<i>Subro Valour</i>	The Subro Valour , Clarke J. [1995] 1 Lloyd's Rep. 509
<i>Surf City</i>	The Surf City , Clarke J. [1995] 2 Lloyd's Rep. 242
<i>Toledo</i>	The Toledo , Clarke J. [1995] 1 Lloyd's Rep. 40
<i>Y Mariner</i>	The Angelic Spirit , Clarke J. [1994] 2 Lloyd's Rep. 595
<i>Yolaine</i>	Ley v. Delaissé , Clarke J. [1995] 2 Lloyd's Rep. 7

SOCIAL SECURITY**Compensation payment***Recovery of sums equivalent to benefit*

Unemployed applicant with dependants in receipt of benefits suffering accident—Applicant continuing to receive benefits at same rate as before accident—Compromise of personal injury action not including damages for loss of earnings—Secretary of State recovering applicant's post-accident benefits out of damages—Whether benefits paid "otherwise than in consequence of the accident"—Whether element of benefits paid for support of dependants subject to recovery—Social Security Administration Act 1992, ss. 82(1), 98(1)(b)

Hassall v. Secretary of State for Social Security, C.A. [1995] 1 W.L.R. 812

SOLICITOR**Conflict of interest***Duty of confidentiality*

Plaintiffs retaining firm of solicitors to act in patent litigation—Defendant partner in firm but not engaged in litigation—Partner joining new firm of solicitors—New firm retained by defendant in patent litigation—Plaintiffs seeking to restrain partner from acting as solicitor for defendant in patent litigation—Whether partner in possession of relevant confidential information—Test to be applied—Burden of proof

In re A Firm of Solicitors, Lightman J. [1995] 3 All E.R. 482

Duty*Conflict of interest*

Solicitor acting for borrowers and lender in remortgage of matrimonial home—Purpose of loan stated to be purchase of shares in family business—Solicitor knowing husband's purpose to pay creditors—Solicitor's duty to inform lender of relevant matters—Whether in conflict with duty to borrowers—Whether superseded by duty not to act for lender—Whether lender having notice of true purpose of loan

Halifax Mortgage Services Ltd. v. Stepsky, Edward Nugee Q.C. [1995] 3 W.L.R. 701

Negligence*Intended beneficiaries under will*

Solicitor instructed to prepare will—Delay in carrying out instructions—Death of client before will prepared—Whether solicitors liable to intended beneficiaries

White v. Jones, H.L.(E.) [1995] 2 A.C. 207; [1995] 2 W.L.R. 187

STATUTE**Commencement***Minister's powers*

Provisions enacting existing prerogative scheme for criminal injury compensation—Provisions to come into force "on such day as Secretary of State may . . . appoint"—Secretary of State's decision not to appoint day for commencement—Whether Secretary of State under duty to make appointment—Criminal Justice Act 1988, s. 171(1)

Reg. v. Secretary of State for the Home Department, Ex parte Fire Brigades Union, C.A. [1995] 2 A.C. 513; [1995] 2 W.L.R. 1
H.L.(E.) [1995] 2 A.C. 513; [1995] 2 W.L.R. 464

STATUTE—continued**Construction***Hansard*

Reference to reports of Parliamentary proceedings as aid to construction—Service on court and other parties—R.S.C., Ord. 65, r. 5

Practice Direction (Hansard: Citation), Supreme Court [1995] 1 W.L.R. 192

Object of Act

Literal construction contrary to legislative intent—No ambiguity or obscurity—Whether court to adopt purposive construction

Reg. v. Moore (Deborah), C.A. [1995] Q.B. 353; [1995] 2 W.L.R. 728

TORT**Cause of action***Malicious prosecution*

Defendant alleging indecent exposure by plaintiff—Police laying information before justices and charging plaintiff with indecent exposure—Justices dismissing charge on prosecution offering no evidence—Plaintiff's claim against defendant for malicious prosecution—Whether defendant liable as prosecutor in criminal proceedings

Martin v. Watson, H.L.(E.) [1995] 3 W.L.R. 318

Misfeasance in public office

Malice—Plaintiff claiming Secretary of State reckless in failing to discharge public duty—Whether intent to injure plaintiff essential ingredient of tort—Whether recklessness sufficient—Whether claim to be struck out

Bennett v. Comr. of Police of the Metropolis, Rattee J. [1995] 1 W.L.R. 488

TOWN PLANNING**Development***Cost of additional infrastructure*

Development requiring additional infrastructure—Agreements between council and developers for costs to be apportioned between developers—Whether policy requiring developers to contribute to infrastructure under agreements lawful—Town and Country Planning Act 1990, s. 106 (as amended by Planning and Compensation Act 1991, s. 12)

Reg. v. South Northamptonshire District Council, Ex parte Crest Homes Plc., C.A. (1994) 93 L.G.R. 205

Material change of use

Established use—Land used continuously since before 1964 without planning permission—Temporary planning permission granted for two years in 1987—Use of land continuing after expiry of two years—Whether land owners entitled to establish use certificate—Town and Country Planning Act 1990, ss. 191(a), 192

Bailey v. Secretary of State for the Environment, C.A. (1994) 93 L.G.R. 248

"Material considerations"

Planning obligation—Planning application to build food superstore outside town—Development likely to increase traffic slightly—Link road not essential for development—Developer's offer of full funding for road—Whether material consideration—Town and Country Planning Act 1990, ss. 70(2), 106 (as substituted by Planning and Compensation Act 1991, s. 12)

Tesco Stores Ltd. v. Secretary of State for the Environment, H.L.(E.) [1995] 1 W.L.R. 759

Enforcement notice*Non-compliance*

Defence at trial challenging decision to issue enforcement notice—Notice valid on its face—Whether open to defendant to seek to investigate vices of decision to issue notice—Planning and Compensation Act 1991, s. 8

Reg. v. Wicks, C.A. (1995) 93 L.G.R. 377

Planning permission*Conditions*

Grant of planning permission for development subject to condition—Development carried out outside specific location in permission—Whether permission applicable to development—Whether condition enforceable—Town and Country Planning Act 1971, s. 87(2)—Town and Country Planning Development Order 1977, art. 5(2)

Handoll v. Warner Goodman & Streat, C.A. (1995) 93 L.G.R. 293

TRADE UNION**Transfer of engagements***Ballot*

Union having different categories of membership—Members having “limited” membership excluded from ballot—Whether “members of the trade union”—Trade Union and Labour Relations (Consolidation) Act 1992, s. 100B (as substituted by Trade Union Reform and Employment Rights Act 1993, s. 4)

National Union of Mineworkers (Yorkshire Area) v. Millward, E.A.T. [1995] I.C.R. 482

TRINIDAD AND TOBAGO**Constitution***Human rights and fundamental freedoms*

“Cruel and unusual treatment or punishment”—Execution of death penalty for murder—Delay between sentence and execution—Applicant given less than 17 hours’ notice of execution—Whether infringement of applicant’s constitutional rights—Constitution of the Republic of Trinidad and Tobago Act 1976, Sch., ss. 4(a), 5(2)(b)(h)—Criminal Procedure Act, s. 57

Guerra v. Baptiste, P.C. [1995] 3 W.L.R. 891

TRUSTS**Constructive trust***Dishonesty*

Controlling director of company dishonestly assisting in breach of trust by company—Whether director liable to beneficiary for resulting loss

Royal Brunei Airlines Sdn. Bhd. v. Tan, P.C. [1995] 2 A.C. 378; [1995] 3 W.L.R. 64

Pension scheme*Pre-emptive costs order*

Pension fund beneficiaries alleging breach of trust—Whether jurisdiction to make order for payment of costs out of fund irrespective of outcome—Proper exercise of discretion—Supreme Court Act 1981, s. 51—R.S.C., Ord. 62, r. 6(2)

McDonald v. Horn, C.A. [1995] I.C.R. 685

Trustee*Breach of trust*

Sale of commercial property—Solicitor holding funds on trust for transfer on completion of purchase and charge to mortgagee—Funds paid away to strangers in breach of trust before completion—Charge subsequently effected—Mortgagee suffering loss—Defence that same loss would have occurred if no breach—Whether obligation to restore trust fund—Whether summary judgment to be granted

Target Holdings Ltd. v. Redferns, H.L.(E.) [1995] 3 W.L.R. 352

Conflict of duty

Trustees of pension scheme also beneficiaries under scheme—Provisions for dissolving scheme on company’s liquidation—Trustees given discretion to apportion any surplus—Whether court having jurisdiction to give directions as to exercise of trustees’ discretion

In re Drexel Burnham Lambert U.K. Pension Plan, Lindsay J. [1995] 1 W.L.R. 32

Public Trustee

Powers under trust deed not exercisable by less than two trustees—Public Trustee appointed sole trustee—Whether exercise of powers by Public Trustee valid—Public Trustee Act 1906, s. 5(1)

In re Duxbury’s Settlement Trusts, C.A. [1995] 1 W.L.R. 425

UNDUE INFLUENCE**Constructive notice***Husband and wife*

Charge over matrimonial home registered in husband’s name as security for loan to husband’s company—Bank accepting guarantee secured by charge—Bank requiring wife to be advised by solicitor of nature of charge—Wife advised by company’s solicitor who made necessary certification—Whether bank entitled to assume that company’s solicitor would give independent advice to wife—Whether bank fixed with constructive notice of husband’s undue influence

Banco Exterior Internacional v. Mann, C.A. [1995] 1 All E.R. 936

Man and woman cohabitee

Bank accepting guarantee secured by charge over woman’s home as security for loan to man—Bank requiring woman to be independently advised by solicitor—Woman advised by man’s solicitor—Whether bank entitled to assume that solicitor would give independent advice to woman—Whether bank fixed with constructive notice of man’s undue influence

Massey v. Midland Bank Plc., C.A. [1995] 1 All E.R. 929

VENDOR AND PURCHASER**Contract***Exchange of contracts*

Whether offer and acceptance in correspondence "exchange of contracts"—Law of Property (Miscellaneous Provisions) Act 1989, s. 2

Commission for the New Towns v. Cooper (Great Britain) Ltd.,
C.A. [1995] Ch. 259; [1995] 2 W.L.R. 677

Contract in writing*Incorporation of terms*

Letter signed by vendor agreeing sale and referring to attached plan—Plan signed by purchaser—Whether express terms of sale incorporated in one document—Whether letter constituting contract for sale of interest in land—Whether letter "signed" by purchaser by being addressed to him—Law of Property (Miscellaneous Provisions) Act 1989, s. 2

Firstpost Homes Ltd. v. Johnson, C.A. [1995] 1 W.L.R. 1567

VICARIOUS LIABILITY**Agency***Company director*

Advance to company secured by debenture trust deed—Directors of company furnishing reporting certificates to trustee pursuant to deed—Certificates allegedly prepared negligently—Whether directors acting as company's agents—Whether company vicariously liable for directors' negligence—Whether company and directors joint tortfeasors—Trustee releasing company from liability—Whether directors thereby released

New Zealand Guardian Trust Co. Ltd. v. Brooks, P.C. [1995] 1 W.L.R. 96

WILL**Attestation***Testator's signature*

Testator writing name in attestation clause—No separate signature appearing on document—Document proffered to attesting witnesses without express declaration as to signature—Whether "signed" by testator—Whether testator acknowledging signature to attesting witnesses—Whether will validly executed—Wills Act 1837, s. 9 (as substituted by Administration of Justice Act 1982, s. 17)

Weatherhill v. Pearce, Judge Kolbert [1995] 1 W.L.R. 592

Rectification*Clerical error*

Testator instructing solicitor in terms inconsistent with draft will—Solicitor failing to delete proviso to disposition—Beneficiaries seeking rectification to delete proviso—Whether solicitor's failure constituting "clerical error"—Whether rectification of will to be ordered—Administration of Justice Act 1982, s. 20(1)

In re Segelman, decd., Chadwick J. [1995] 3 All E.R. 676

WORDS AND PHRASES

"Action"—Employment Protection (Consolidation) Act 1978, s. 23(1)(a) (as amended)

Associated Newspapers Ltd. v. Wilson, H.L.(E.) [1995] 2 A.C. 454; [1995] 2 W.L.R. 354

"Administrative act or omission"—Administrative Justice Act, s. 2

Williams (C.O.) Construction Ltd. v. Blackman, P.C. [1995] 1 W.L.R. 102

"Adopted"—Insolvency Act 1986, ss. 19(5), 44(1)(b)

Powdrill v. Watson, H.L.(E.) [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] I.C.R. 1100

"Agricultural land or pasture"—Inheritance Tax Act 1984, s. 115(2) (as renamed)

Starke v. Inland Revenue Comrs., C.A. [1995] 1 W.L.R. 1439

"Anything . . . for the purpose of making a counterfeit"—Forgery and Counterfeiting Act, s. 17(1)

Reg. v. Maltman, C.A. [1995] 1 Cr.App.R. 239

"Application for a supervision order"—Children Act 1989, s. 31(5)(b)

In re A. (A Minor) (Supervision Order: Extension), C.A. [1995] 1 W.L.R. 482

"Applies"—Sex Discrimination Act, s. 1(1)(b)

Meade-Hill v. British Council,

C.A. [1995] I.C.R. 847

"Appropriate driving test"—Road Traffic Offenders Act 1988, ss. 34(1), 36

Reg. v. Callum,

C.A. [1995] R.T.R. 246

"Article"—Obscene Publications Act 1959, s. 1(2)

Reg. v. Taylor (Alan),

C.A. [1995] 1 Cr.App.R. 131

"Articles"—Registered Designs Act 1949, s. 44(1) (as amended)

Reg. v. Registered Designs Appeal Tribunal, *Ex parte Ford Motor Co. Ltd.*,

H.L.(E.) [1995] 1 W.L.R. 18

"Belonging"—Finance Act 1971, s. 44(1)

Melluish v. B.M.I. (No. 3) Ltd.,

H.L.(E.) [1995] 3 W.L.R. 630

"Brought under any enactment"—Race Relations Act 1976, s. 54(2)

Zaidi v. Financial Intermediaries Managers and Brokers Regulatory Association,

E.A.T. [1995] I.C.R. 876

WORDS AND PHRASES—*continued*

- "*Calculated to subject*"—Administration of Justice Act 1970, s. 40(1)(a)
Norweb Plc. v. Dixon, D.C. [1995] 1 W.L.R. 636
- "*Causing*"—Water Act 1989, s. 107(1)(a)
Attorney-General's Reference (No. 1 of 1994), C.A. [1995] 1 W.L.R. 599
- "*Clerical error*"—Administration of Justice Act 1982, s. 20(1)
In re Segelman, decd.,
Chadwick J. [1995] 3 All E.R. 676
- "*Coming to their knowledge*"—Charterparty
Niobe Maritime Corpn. v. Tradax Ocean Transportation S.A.,
H.L.(E.) [1995] 1 Lloyd's Rep. 579
- "*Common assault*"—Criminal Justice Act 1988, ss. 39, 40
Reg. v. Lynsey,
C.A. [1995] 3 All E.R. 654
- "*Conduct*"—Health and Safety at Work etc. Act 1974, s. 3(1)
Reg. v. Associated Ocel Co. Ltd., C.A. [1995] I.C.R. 281
- "*Consuming*"—Road Traffic Act 1988, s. 5(1)
Director of Public Prosecutions v. Johnson,
D.C. [1995] 1 W.L.R. 728
- "*Conviction*"—Powers of Criminal Courts Act 1973, s. 1C(1)
Reg. v. Moore (Deborah),
C.A. [1995] Q.B. 353; [1995] 2 W.L.R. 728
- "*Counsel*"—House of Lords (Practice Directions applicable to Civil Appeals), dirs. 10.2, 37
Practice Direction (House of Lords: Amendments to Procedure),
H.L. [1995] 1 W.L.R. 1145
- "*Created to take advantage of the housing benefit scheme*"—Housing Benefit (General) Regulations 1987, reg. 7
Reg. v. Solihull Metropolitan Borough Council Housing Benefit Review Board,
Ex parte Simpson, C.A. (1994) 92 L.G.R. 719
- "*Cruel and unusual treatment or punishment*"—Constitution of the Republic of Trinidad and Tobago Act 1976, Sch., s. 5(2)(b)
Guerra v. Baptiste, P.C. [1995] 3 W.L.R. 891
- "*Damage*"—Road Traffic Act 1988, s. 5(3)
Drake v. Director of Public Prosecutions,
D.C. [1994] R.T.R. 411
- "*Damages in respect of personal injuries*"—Limitation Act 1980, s. 11(1)
Walkin v. South Manchester Health Authority, C.A. [1995] 1 W.L.R. 1517
- "*Deposited*"—Highways Act 1980, s. 149(1)(2)
Scott v. Westminster City Council,
C.A. [1995] R.T.R. 327
- "*Disposal*"—Income and Corporation Taxes Act 1970, ss. 273, 279
N.A.P. Holdings U.K. Ltd. v. Whittles, H.L.(E.) (1994) T.C. Leaflet No. 3415
- "*Disposition of an equitable interest*"—Law of Property Act 1925, s. 53(1)(c)
United Bank of Kuwait Plc. v. Sahib, Chadwick J. [1995] 2 W.L.R. 94
- "*Disposition of the company's property*"—Insolvency Act 1986, s. 127
In re Barn Crown Ltd.,
Judge Rich Q.C. [1995] 1 W.L.R. 147
- "*Due to*"—Crown Lands Resumption Ordinance, s. 10(1)(2)(d) (Hong Kong)
Director of Buildings and Lands v. Shun Fung Ironworks Ltd.,
P.C. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404
- "*Employee*"—Employment Protection (Consolidation) Act 1978
McMeechan v. Secretary of State for Employment, E.A.T. [1995] I.C.R. 444
- "*Employee*"—Race Relations Act 1976, s. 4(1)(c)(2)
Post Office v. Adekeye,
E.A.T. [1995] I.C.R. 540
- "*Engineering plant*"—Road Vehicles (Construction and Use) Regulations 1986, reg. 3(2)
Director of Public Prosecutions v. Derbyshire, D.C. [1994] R.T.R. 351
- "*Evidence in support of an alibi*"—Criminal Justice Act 1967, s. 11(8)
Reg. v. Johnson (Aldin),
C.A. [1995] 2 Cr.App.R. 1
- "*Exchange of contracts*"—Law of Property (Miscellaneous Provisions) Act 1989, s. 2
Commission for the New Towns v. Cooper (Great Britain) Ltd.,
C.A. [1995] Ch. 259; [1995] 2 W.L.R. 677
- "*Execution*"—Legal Aid Act 1988, s. 17(3)(b)
Parr v. Smith,
C.A. [1995] 2 All E.R. 1031
- "*Fair rate*"—Merchant Shipping (Salvage and Pollution) Act 1994, s. 1, Sch. 1
Semco Salvage & Marine Pte. Ltd. v. Lancer Navigation Co. Ltd.,
Clarke J. [1995] 2 Lloyd's Rep. 44
- "*Family proceedings*"—Children Act 1989, ss. 8(3), 10(1) *In re C. (Minors) (Contact: Jurisdiction)*,
C.A. [1995] 3 W.L.R. 30
- "*Fraudulent evasion*"—Customs and Excise Management Act 1979, s. 170
Reg. v. Latif,
C.A. [1995] 1 Cr.App.R. 270
- "*Fraudulently uses . . . licence . . . under this Act*"—Vehicles (Excise) Act 1971, ss. 8(1), 26(1)(c)
Reg. v. Johnson (Tony), C.A. [1995] R.T.R. 15
- "*GR Speedman*"—Road Traffic Regulation Act 1984, s. 89
Darby v. Director of Public Prosecutions, D.C. [1995] R.T.R. 294
- "*Going into . . . receivership*"—Value Added Tax (General) Regulations 1985, reg. 11(3) (as amended)
Sargent v. Customs and Excise Comrs., C.A. [1995] 1 W.L.R. 821

WORDS AND PHRASES—continued

- "Homeless intentionally"—Housing Act 1985, s. 60(1)
Reg. v. Brent London Borough Council, Ex parte Awua, H.L.(E.) [1995] 3 W.L.R. 215
- "House"—Leasehold Reform Act 1967, s. 2(1)
Westminster (Duke of) v. Birrane, C.A. [1995] Q.B. 262; [1995] 2 W.L.R. 270
- "In charge"—Road Traffic Act 1988, s. 5(1)(6)
Drake v. Director of Public Prosecutions, D.C. [1994] R.T.R. 411
- "In such manner as may be directed by rules of court ... within 14 days"—Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines Act, s. 48(1))
Pollard v. The Queen, P.C. [1995] 1 W.L.R. 1591
- "In the nature of a commercial venture"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(1)
U.K. Waste Control Ltd. v. Wren, E.A.T. [1995] I.C.R. 974
- "Incorporating your statutory redundancy entitlement"—Employment Protection Consolidation Act 1978, s. 73(9)
Boorman v. Allmakes Ltd., C.A. [1995] I.C.R. 842
- "Inferior court"—R.S.C., Ord. 52, r. 1(2)(a)
Peach Grey & Sommers, D.C. [1995] I.C.R. 549
- "Inhuman or degrading punishment or other treatment"—Constitution of Barbados, s. 15
Bradshaw v. Attorney-General of Barbados, P.C. [1995] 1 W.L.R. 936
- "Insurance business"—Insurance Companies Act 1982, s. 1(1)
In re N.R.G. Victory Reinsurance Ltd., Lindsay J. [1995] 1 W.L.R. 239
- "Interest in the relevant land"—Finance Act 1985, Sch. 17, paras. 1(2)(d), 2(1)(c), 4(1)(a)
Melluish v. B.M.I. (No. 3) Ltd., H.L.(E.) [1995] 3 W.L.R. 630
- "Interview"—PACE Codes of Practice, C11
Reg. v. Weerdesteyn, C.A. [1995] 1 Cr.App.R. 405
- "Journey"—Animal Health Act 1981, s. 73(a)
Ken Lane Transport Ltd. v. North Yorkshire County Council, D.C. [1995] 1 W.L.R. 1416
- "Lawful object"—Explosive Substances Act 1883, s. 4(1)
Reg. v. Berry (No. 3), C.A. [1995] 1 W.L.R. 7
- "Likely to be material evidence"—Magistrates' Courts Act 1980, s. 97
Reg. v. Derby Magistrates' Court, Ex parte B., H.L.(E.) [1995] 3 W.L.R. 681
- "Limit of liability"—Carriage by Air Act 1961, Sch. 1, art. 25
Antwerp United Diamond B.V.B.A. v. Air Europe, C.A. [1995] 3 W.L.R. 396
- "Long term business"—Insurance Companies Act 1982, s. 1(1)
In re N.R.G. Victory Reinsurance Ltd., Lindsay J. [1995] 1 W.L.R. 239
- "Material considerations"—Town and Country Planning Act 1990, s. 70(2)
Tesco Stores Ltd. v. Secretary of State for the Environment, H.L.(E.) [1995] 1 W.L.R. 759
- "Material irregularity in ... course of ... trial"—Criminal Appeal Act 1968, s. 2(1)(c)
Reg. v. Young (Stephen), C.A. [1995] Q.B. 324; [1995] 2 W.L.R. 430
- "Material part"—Leasehold Reform Act 1967, s. 2(2)
Westminster (Duke of) v. Birrane, C.A. [1995] Q.B. 262; [1995] 2 W.L.R. 270
- "Maximum permissible weight"—Council Regulation (E.E.C.) No. 3820/85, art. 4(1)
Small v. Director of Public Prosecutions, D.C. [1995] R.T.R. 95
- "Medical treatment"—Mental Health Act 1983, s. 63
B. v. Croydon Health Authority, C.A. [1995] Fam. 133; [1995] 2 W.L.R. 294
- "Members of the trade union"—Trade Union and Labour Relations (Consolidation) Act 1992, s. 100B (as substituted)
National Union of Mineworkers (Yorkshire Area) v. Millward, E.A.T. [1995] I.C.R. 482
- "Necessary"—Contempt of Court Act 1981, s. 4(2)
M.G.N. Pension Trustees Ltd. v. Bank of America National Trust and Savings Association, Lindsay J. [1995] 2 All E.R. 355
- "Normal retiring age"—Employment Protection (Consolidation) Act 1978, ss. 64(1)(b) (as substituted), 67(4)
Patel v. Nagesan, C.A. [1995] I.C.R. 988
- "Not reasonably practicable"—Employment Protection (Consolidation) Act 1978, s. 67(2)
Birmingham Optical Group Plc. v. Johnson, E.A.T. [1995] I.C.R. 459
- "Notice"—Child Abduction and Custody Act 1985, Sch. 1, art. 16
R. v. R. (Residence Order: Child Abduction), Stuart-White J. [1995] Fam. 209; [1995] 3 W.L.R. 425
- "Obscene"—Obscene Publications Act 1959, s. 1(1)
Reg. v. O'Sullivan, C.A. [1995] 1 Cr.App.R. 455
- "Obscene"—Obscene Publications Act 1964, s. 1(3)(b)
Reg. v. O'Sullivan, C.A. [1995] 1 Cr.App.R. 455
- "Obtained"—Family Law Act 1986, s. 46(1)
Berkovits v. Grinberg (Attorney-General Intervening), Wall J. [1995] Fam. 142; [1995] 2 W.L.R. 553
- "On a commercial basis"—Housing Benefit (General) Regulations 1986, reg. 7(1)(a)(ii)
Reg. v. Sheffield City Council Housing Benefit Review Board, Blackburne J. (1994) 93 L.G.R. 139
- "On such day as Secretary of State may ... appoint"—Criminal Justice Act 1988, s. 171(1)
Reg. v. Secretary of State for the Home Department, Ex parte Fire Brigades Union, C.A. [1995] 2 A.C. 513; [1995] 2 W.L.R. 1
H.L.(E.) [1995] 2 A.C. 513; [1995] 2 W.L.R. 464

WORDS AND PHRASES—continued

"Order"—Criminal Justice Act 1991, s. 34

Reg. v. Dalton,

C.A. [1995] Q.B. 243; [1995] 2 W.L.R. 377

"Ordinarily resident"—R.S.C., Ord. 23, r. 1(1)(a)

In re Little Olympian Each Ways Ltd.,

Lindsay J. [1995] 1 W.L.R. 560

"Other proceedings ... execution or other legal process"—Insolvency Act 1986, ss. 11(3)(d), 252(2)(b)

In re A Debtor (No. 13A-IO-1995), Rattee J. [1995] 1 W.L.R. 1127

"Otherwise than in consequence of the accident"—Social Security Administration Act 1992, s. 98(1)(b)

Hassall v. Secretary of State for Social Security, C.A. [1995] 1 W.L.R. 812

"Parental responsibility"—Children Act 1989, s. 3(1)

North Yorkshire County Council v. Selby Youth Court, D.C. [1995] 1 W.L.R. 1

"Part of business"—Council Directive (77/187/E.E.C.), art. 1(1)

Schmidt v. Spar-und Leihkasse der früheren Ämter Bordesholm, Kiel und Cronshagen

(Case C-392/92), E.C.J. [1995] I.C.R. 237

"Pay"—E.E.C. Treaty, art. 119

Clark v. Secretary of State for Employment,

E.A.T. [1995] I.C.R. 673

"Payable"—Motor Insurers' Bureau agreement

Director of Public Prosecutions v. Scott,

D.C. [1995] R.T.R. 40

"Permitted"—Transport Act 1968, s. 96(11A)

Light v. Director of Public Prosecutions,

D.C. [1994] R.T.R. 396

"Person"—Housing Act 1985, s. 75

Reg. v. Newham London Borough Council, Ex parte Dada, C.A. [1995] 3 W.L.R. 540

"Person employed"—Race Relations Act 1976, ss. 2(1), 4(2), 32(2), 54(1)

Nagarajan v. Agnew, E.A.T. [1995] I.C.R. 520

"Person using the vehicle"—Motor Insurers' Bureau (Compensation of Victims of Uninsured Drivers) Agreement 1972, cl. 6(1)(c)(ii)

Stinton v. Stinton, C.A. [1995] R.T.R. 167

"Persons present"—Insurance policy

Deutsche Genossenschaftsbank v. Burnhope,

H.L.(E.) [1995] 1 W.L.R. 1580

"Political nature"—Broadcasting Act 1990, s. 92(2)(a)(i)

Reg. v. Radio Authority, Ex parte Bull, D.C. [1995] 3 W.L.R. 572

"Place where the harmful event occurred"—Civil Jurisdiction and Judgments Act 1982, Sch. 1, art. 5(3)

Shevill v. Presse Alliance S.A. (Case C-68/93),

E.C.J. [1995] 2 A.C. 18; [1995] 2 W.L.R. 499

"Purpose"—Employment Protection (Consolidation) Act 1978, s. 23(1)(a) (as amended)

Associated Newspapers Ltd. v. Wilson, H.L.(E.) [1995] 2 A.C. 454; [1995] 2 W.L.R. 354

"Reasonable excuse"—Road Traffic Act 1988, s. 7(6)

Director of Public Prosecutions v. Radford,

D.C. [1995] R.T.R. 86

"Refusing ... to offer ... employment"—Race Relations Act 1976, s. 4(1)(c)(2)

Post Office v. Adekeye, E.A.T. [1995] I.C.R. 540

"Relevant earnings"—Income and Corporation Taxes Act 1988, ss. 619, 623(2)(c)

Koenigsberger v. Mellor, C.A. (1995) T.C. Leaflet No. 3438

"Reni"—County Courts Act 1984, s. 138; Supreme Court Act 1981, s. 38

Escalus Properties Ltd. v. Robinson, C.A. [1995] 3 W.L.R. 524

"Requirement"—Sex Discrimination Act 1975, s. 1(1)(b)

Meade-Hill v. British Council,

C.A. [1995] I.C.R. 847

"Returning officer"—Representation of the People Act 1983, s. 128(2)

Abalom v. Gillett,

D.C. [1995] 1 W.L.R. 128

"Rights of custody"—Child Abduction and Custody Act 1985, Sch. 1, art. 3

In re F. (A Minor) (Abduction: Custody Rights Abroad),

C.A. [1995] Fam. 224; [1995] 3 W.L.R. 339

"Serious non-political crime"—Geneva Convention relating to Status of Refugees 1985, art. 1F

T. v. Secretary of State for the Home Department, C.A. [1995] 1 W.L.R. 545

"Shall be forfeited"—Aliens (Land-Holding Regulation) Act, s. 3 (Saint Vincent and the Grenadines)

Ho Young v. Bess, P.C. [1995] 1 W.L.R. 350

"Signed"—Law of Property (Miscellaneous Provisions) Act 1989, s. 2

Firstpost Homes Ltd. v. Johnson, C.A. [1995] 1 W.L.R. 1567

"Signed"—Wills Act 1837, s. 9 (as substituted)

Weatherhill v. Pearce,

Judge Kolbert [1995] 1 W.L.R. 592

"Social services function"—Local Authority Social Services Act 1970, ss. 7B, 7D

Reg. v. Devon County Council, Ex parte Baker, C.A. [1995] 1 All E.R. 73

"Some other disposition"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 3(2)

Charlton v. Charlton Thermosystems (Romsey) Ltd., E.A.T. [1995] I.C.R. 56

"Some other reason"—R.S.C., Ord. 14, r. 3(1)

Trafalgar House Construction (Regions) Ltd. v.

General Surety & Guarantee Co. Ltd., H.L.(E.) [1995] 3 W.L.R. 204

"Special reasons"—Road Traffic Act 1972, s. 93(1)

Director of Public Prosecutions v. Knight,

D.C. [1994] R.T.R. 374

"Special reasons"—Road Traffic Offenders Act 1988, s. 34(1)

Director of Public Prosecutions v. Upchurch, D.C. [1994] R.T.R. 366

"Specialty"—Limitation Act 1980, s. 8(1)

Aiken v. Stewart Wrightson Members Agency Ltd., Potter J. [1995] 1 W.L.R. 1281

WORDS AND PHRASES—continued

"*Substantial*"—Contempt of Court Act 1981, s. 4(2)

M.G.N. Pension Trustees Ltd. v. Bank of America National Trust and Savings Association,
Lindsay J. [1995] 2 All E.R. 355

"*Sufficient interest*"—Supreme Court Act 1981, s. 31(3); R.S.C., Ord. 53, r. 3(7)

Reg. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte
World Development Movement Ltd., D.C. [1995] 1 W.L.R. 386

"*Term*"—Restrictive Trade Practices Act 1976, s. 9(3)

Associated Dairies Ltd. v. Baines,
Sir John Vinelott [1995] I.C.R. 296

"*Trading income*"—Income and Corporation Taxes Act 1988, s. 393

Nuclear Electricity Plc. v. Bradley, Sir John Vinelott (1995) T.C. Leaflet No. 3429

"*Transfer ... of an undertaking*"—Transfer of Undertakings (Protection of Employment)
Regulations 1981, reg. 3(1) **Dines v. Initial Healthcare Services Ltd.**, C.A. [1995] I.C.R. 11

Council of the Isles of Scilly v. Brintel Helicopters Ltd., E.A.T. [1995] I.C.R. 249

Kelman v. Care Contract Services Ltd., E.A.T. [1995] I.C.R. 260

"*Undertaking*"—Health and Safety at Work etc. Act 1974, s. 3(1)

Reg. v. Associated Octel Co. Ltd., C.A. [1995] I.C.R. 281

"*Undertaking*"—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg. 2(1)

U.K. Waste Control Ltd. v. Wren, E.A.T. [1995] I.C.R. 974

"*Waste land of a manor*"—Commons Registration Act 1965, s. 22(1)(b)

Mid Glamorgan County Council v. Ogwr Borough Council, H.L.(E.) [1995] 1 W.L.R. 313

"*Without prejudice save as to costs*"—R.S.C. (Hong Kong), Ord. 22, r. 14

Director of Buildings and Lands v. Shun Fung Ironworks Ltd.,
P.C. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404

CASES JUDICIALLY CONSIDERED

- A.L.I. Finance Ltd. v. Havelet Leasing Ltd. [1992] 1 W.L.R. 455; sub nom. Arbuthnot Leasing International Ltd. v. Havelet Leasing Ltd. [1991] 1 All E.R. 591. **Distinguished**, *Barclays Bank Plc. v. Eustice* [1995] 1 W.L.R. 1238, C.A.
- Abbott v. Philbin [1961] A.C. 352; [1960] 3 W.L.R. 255; [1960] 2 All E.R. 763; 39 T.C. 82, H.L.(E.) **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Aberdeen City District Council v. Sim (1982) 264 E.G. 621. **Applied**, *Director of Buildings and Lands v. Shun Fung Ironworks Ltd.* [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- Abouloff v. Oppenheimer & Co. (1882) 10 Q.B.D. 295, C.A. **Considered**, *Owens Bank Ltd. v. Etoile Commerciale S.A.* [1995] 1 W.L.R. 44, P.C.
- Adams v. Cape Industries Plc. [1990] Ch. 433; [1990] 2 W.L.R. 657; [1991] 1 All E.R. 929, C.A. **Distinguished**, *In re Little Olympian Each Ways Ltd.* [1995] 1 W.L.R. 560
- Addis v. Gramophone Co. Ltd. [1909] A.C. 488, H.L.(E.). **Considered**, *Ruxley Electronics and Constructions Ltd. v. Forthsyth* [1995] 3 W.L.R. 118, H.L.(E.)
- Advanced Technology Structures Ltd. v. Cray Valley Products Ltd. [1993] B.C.L.C. 723, C.A. **Distinguished**, *Eurocross Sales Ltd. v. Cornhill Insurance Plc.* [1995] 1 W.L.R. 1517, C.A.
- Afovos Shipping Co. S.A. v. R. Pagnan and F. Ili [1983] 1 W.L.R. 195; [1983] 1 All E.R. 449; [1983] 1 Lloyd's Rep. 335, H.L.(E.). **Considered**, *Schelde Delta Shipping B.V. v. Astarte Shipping Ltd.* [1995] 1 Lloyd's Rep. 249
- Afzal v. Ford Motor Co. Ltd. [1994] 4 All E.R. 720, C.A. **Considered**, *Joyce v. Liverpool City Council* [1995] 3 W.L.R. 439, C.A.
- Agip (Africa) Ltd. v. Jackson [1991] Ch. 547; [1991] 3 W.L.R. 116; [1992] 4 All E.R. 451, C.A. **Applied**, *Bank Tejarat v. Hong Kong and Shanghai Banking Corp'n. (C.I.) Ltd.* [1995] 1 Lloyd's Rep. 239. **Distinguished**, *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
- Agip S.p.A. v. Navigazione Alta Italia S.p.A. [1984] 1 Lloyd's Rep. 353, C.A. **Considered**, *Commission for the New Towns v. Cooper (Great Britain) Ltd.* [1995] Ch. 259; [1995] 2 W.L.R. 677, C.A.
- Ahmed Saeed Flugreisen v. Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V. (Case 66/86) [1989] E.C.R. 803, E.C.J. **Applied**, *Viho Europe B.V. v. Commission of the European Communities (Case T-102/92)* [1995] I.C.R. 1051, C.F.I.
- Aiden Shipping Co. Ltd. v. Interbulk Ltd. [1986] A.C. 965; [1986] 2 W.L.R. 1051; [1986] 2 All E.R. 409, H.L.(E.). **Applied**, *McDonald v. Horn* [1995] I.C.R. 685, C.A.
- Air Canada v. British Columbia (1989) 59 D.L.R. (4th) 161. **Considered**, *Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council* [1994] 4 All E.R. 972
- Airedale N.H.S. Trust v. Bland [1993] A.C. 789; [1993] 2 W.L.R. 316; [1993] 1 All E.R. 821, H.L.(E.). **Applied**, *Secretary of State for the Home Department v. Robb* [1995] Fam. 127; [1995] 2 W.L.R. 722; *In re S. (Hospital Patient: Court's Jurisdiction)* [1995] 3 W.L.R. 78, C.A.
- Aitken v. South Hams District Council [1995] 1 A.C. 262, 272; [1994] 3 W.L.R. 333; [1994] 3 All E.R. 400, H.L.(E.). **Dictum of Lord Woolf applied**, *B. v. B. (Children: Periodical Payments)* [1995] 1 W.L.R. 440
- Aitken v. Yarwood [1965] 1 Q.B. 327; [1964] 3 W.L.R. 64; [1964] 2 All E.R. 537; 62 L.G.R. 545, D.C. **Applied**, *Director of Public Prosecutions v. Harris (Nigel)* [1995] 1 Cr.App.R. 170; [1995] R.T.R. 100, D.C.
- Albazerio, The [1977] A.C. 774; [1976] 3 W.L.R. 419; [1976] 3 All E.R. 129, H.L.(E.). **Considered**, *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)
- Alcock v. Chief Constable of South Yorkshire Police [1992] 1 A.C. 310; [1991] 3 W.L.R. 1057; [1991] 4 All E.R. 907, H.L.(E.). **Considered**, *Page v. Smith* [1995] 2 W.L.R. 644, H.L.(E.)
- Algemene Transport-En Expeditie Onderneming van Gend & Loos v. Nederlandse Belastingadministratie (Case 26/62) [1963] E.C.R. 1, E.C.J. **Applied**, *Francovich v. Italian Republic (Case C-6/90)* [1995] I.C.R. 722, E.C.J.
- Allan v. Stirling District Council [1994] I.C.R. 434. **Decision of the Employment Appeal Tribunal reversed** [1995] I.C.R. 1082
- Allen v. Bloomsbury Health Authority [1993] 1 All E.R. 651, 658. **Dictum of Brooke J. disapproved**, *Walkin v. South Manchester Health Authority* [1995] 1 W.L.R. 1543, C.A.
- Allen v. Gulf Oil Refining Ltd. [1980] Q.B. 156, 174; [1979] 3 W.L.R. 523; [1979] 3 All E.R. 1008, C.A. **Dicta of Cumming-Bruce L.J. applied**, *Wheeler v. J.J. Saunders Ltd.* [1995] 3 W.L.R. 466, C.A.
- Allen v. Sir Alfred McAlpine & Sons Ltd. [1968] 2 Q.B. 229, 245; [1968] 2 W.L.R. 366; [1968] 1 All E.R. 543, C.A. **Dictum of Lord Denning M.R. applied**, *Owen (trading as Max Owen Associates) v. Pugh* [1995] 3 All E.R. 345. **Distinguished**, *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 271

- Alphacell Ltd. v. Woodward [1972] A.C. 824; [1972] 2 W.L.R. 1320; [1972] 2 All E.R. 475, H.L.(E.). **Considered**, *Attorney-General's Reference (No. 1 of 1994)* [1995] 1 W.L.R. 599, C.A.
- Amin Rasheed Shipping Corpn. v. Kuwait Insurance Co. [1984] A.C. 50; [1983] 3 W.L.R. 241; [1983] 2 All E.R. 884; [1983] 2 Lloyd's Rep. 365, H.L.(E.). **Considered**, *Trade Indemnity Plc. v. Försäkringsaktiebolaget Njord (in liquidation)* [1995] 1 All E.R. 796
- Amis v. Colls (1960) 39 T.C. 148. **Followed**, *Nuttall v. Barrett* (1992) 64 T.C. 549
- Amministrazione delle Finanze dello Stato v. Simmenthal S.p.A. (Case 106/77) [1978] E.C.R. 629, E.C.J. **Applied**, *Francovich v. Italian Republic* (Case C-6/90) [1995] I.C.R. 722, E.C.J.
- Anchor Brewhouse Developments Ltd. v. Berkley House (Docklands Developments) Ltd. (1987) 38 B.L.R. 87, 100. **Dicta of Scott J. disapproved**, *Jaggard v. Sawyer* [1995] 1 W.L.R. 269, C.A.
- Anderson v. Bank of British Columbia (1876) 2 Ch.D. 644, 649. **Dictum of Jessel M.R. applied**, *Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow* [1995] 1 All E.R. 976
- Angliss (W.) and Co. (Australia) Proprietary Ltd. v. Peninsular and Oriental Steam Navigation Co. [1927] 2 K.B. 456. **Considered**, *Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd.* [1995] 3 W.L.R. 227, H.L.(E.)
- Anglo-Persian Oil Co. Ltd. v. Dale [1932] 1 K.B. 124; 16 T.C. 253. **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- Anns v. Merton London Borough Council [1978] A.C. 728; [1977] 2 W.L.R. 1024; [1977] 2 All E.R. 492, H.L.(E.). **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Antaios Compania Naviera S.A. v. Salen Rederierna A.B. [1985] A.C. 491; [1984] 3 W.L.R. 592; [1984] 3 All E.R. 229, H.L.(E.). **Applied**, *Vitol S.A. v. Norelf Ltd.* [1995] 3 W.L.R. 549, C.A.
- Antwerp United Diamond B.V.B.A. v. Air Europe [1993] 4 All E.R. 469. **Decision of Phillips J. affirmed** [1995] 3 W.L.R. 396, C.A.
- Arab Monetary Fund v. Hashim (No. 3) [1991] 2 A.C. 114, 162; [1991] 2 W.L.R. 729; [1991] 1 All E.R. 871, H.L.(E.). **Dictum of Lord Templeman applied**, *Westland Helicopters Ltd. v. Arab Organisation for Industrialisation* [1995] Q.B. 282; [1995] 2 W.L.R. 126
- Aries Tanker Corpn. v. Total Transport Ltd. [1977] 1 W.L.R. 185; [1977] 1 All E.R. 398; [1977] 1 Lloyd's Rep. 334, H.L.(E.). **Applied**, *United Carriers Ltd. v. Heritage Food Group (U.K.) Ltd.* [1995] 2 Lloyd's Rep. 269
- Armagas Ltd. v. Mundogas S.A. [1986] A.C. 717; [1986] 2 W.L.R. 1063; [1986] 2 All E.R. 385, H.L.(E.). **Applied**, *In re Selectmove Ltd.* [1995] 1 W.L.R. 474, C.A.
- Ashtiani v. Kashi [1987] Q.B. 888; [1986] 3 W.L.R. 647; [1986] 2 All E.R. 970, C.A. **Distinguished**, *Gidrxsline Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.* [1995] 1 W.L.R. 299
- Ashton, *In re* [1994] 1 A.C. 9; [1993] 2 W.L.R. 846; [1993] 2 All E.R. 663, H.L.(E.). **Applied**, *R. v. Leeds Crown Court, Ex parte Hussain* [1995] 1 W.L.R. 1329, D.C.
- Associated British Ports v. Palmer [1994] I.C.R. 97, 101, C.A. **Dicta of Dillon L.J. applied**, *Harrison v. Kent County Council* [1995] I.C.R. 434, E.A.T.
- Associated Newspapers Ltd. v. Wilson [1994] I.C.R. 97, C.A. **Decision of the Court of Appeal reversed** [1995] 2 A.C. 454; [1995] 2 W.L.R. 354; [1995] I.C.R. 406, H.L.(E.)
- Athanasia Comminos, The [1990] 1 Lloyd's Rep. 277, 290. **Dictum of Mustill J. approved**, *Triad Shipping Co. v. Stellar Chartering & Brokerage Inc.* [1995] 1 All E.R. 595, C.A.
- Atkinson v. Dancer (1988) 61 T.C. 598. **Considered**, *Jarmin v. Rawlings* (1994) T.C. Leaflet No. 3414
- Atlas Maritime Co. S.A. v. Avalon Maritime Ltd. (No. 1) [1991] 4 All E.R. 769; [1991] 1 Lloyd's Rep. 563, C.A. **Considered**, *Qingdao Ocean Shipping Co. v. Grace Shipping Establishment* [1995] 2 Lloyd's Rep. 15
- Attorney-General v. British Broadcasting Corpn. [1981] A.C. 303; [1980] 3 W.L.R. 109; [1980] 3 All E.R. 161, H.L.(E.). **Applied**, *Peach Grey & Co. v. Sommers* [1995] I.C.R. 549
- Attorney-General v. Butterworth [1963] 1 Q.B. 696; [1962] 3 W.L.R. 819; [1962] 3 All E.R. 326, C.A. **Applied**, *Connolly v. Dale* [1995] 3 W.L.R. 786, D.C.
- Attorney-General v. De Keyser's Royal Hotel Ltd. [1920] A.C. 508, H.L.(E.). **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Fire Brigades Union* [1995] 2 A.C. 513; [1995] 2 W.L.R. 1, C.A.
- Attorney-General v. English [1983] 1 A.C. 116; [1982] 3 W.L.R. 278; [1982] 2 All E.R. 903; 75 Cr.App.R. 302, H.L.(E.). **Applied**, *Attorney-General v. Independent Television News Ltd.* [1995] 2 All E.R. 370; [1995] 1 Cr.App.R. 204
- Attorney-General v. News Group Newspapers Ltd. [1987] Q.B. 1; [1986] 3 W.L.R. 365; [1986] 2 All E.R. 833, C.A. **Applied**, *Attorney-General v. Independent Television News Ltd.* [1995] 2 All E.R. 370; [1995] 1 Cr.App.R. 204
- Attorney-General v. Newspaper Publishing Plc. [1988] Ch. 333, 362, 368; [1987] 3 W.L.R. 942; [1987] 3 All E.R. 276, C.A. **Dicta of Sir John Donaldson M.R. applied**, *Connolly v. Dale* [1995] 3 W.L.R. 786, D.C.
- Attorney-General for Northern Ireland's Reference (No. 1 of 1975) [1977] A.C. 105; [1976] 3 W.L.R. 235; [1976] 2 All E.R. 937, H.L.(N.I.). **Applied**, *R. v. Clegg* [1995] 1 A.C. 482; [1995] 2 W.L.R. 80, H.L.(N.I.)

- Attorney-General of Hong Kong v. Wong Muk Ping [1987] A.C. 501, 510; [1987] 2 W.L.R. 1033; [1987] 2 All E.R. 488, P.C. **Dicta of Lord Bridge of Harwich applied**, *Burut v. Public Prosecutor* [1995] 2 A.C. 579; [1995] 3 W.L.R. 16, P.C.
- Attorney-General's Reference (No. 2 of 1975) [1976] 1 W.L.R. 710; [1976] 2 All E.R. 753; 62 Cr.App.R. 255, C.A. **Applied**, *R. v. O'Sullivan* [1995] 1 Cr.App.R. 455, C.A.
- Attorney-General's Reference (No. 4 of 1989) [1990] 1 W.L.R. 41; 90 Cr.App.R. 366, C.A. **Applied**, *R. v. Asquith* [1995] R.T.R. 54, C.A.
- August Korff, The [1903] P. 166. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134
- Axel Johnson Petroleum A.B. v. M.G. Mineral Group A.G. [1992] 1 W.L.R. 270; [1992] 2 All E.R. 163, C.A. **Distinguished**, *Aectra Refining and Marketing Inc. v. Exmar N.V.* [1995] 1 Lloyd's Rep. 191, C.A.
- B. (A Minor) (Abduction), *In re* [1994] 2 F.L.R. 249, C.A. **Applied**, *In re F. (A Minor) (Abduction: Custody Rights Abroad)* [1995] Fam. 224; [1995] 3 W.L.R. 339, C.A.
- B. (A Minor) (Disclosure of Evidence), *In re* [1993] Fam. 142; [1993] 2 W.L.R. 20; [1993] 1 All E.R. 931, C.A. **Considered**, *In re D. (Minors) (Adoption Reports: Confidentiality)* [1995] 3 W.L.R. 483, H.L.(E.)
- B. (A Minor) v. Knight [1981] R.T.R. 136, D.C. **Considered**, *Stinton v. Stinton* [1995] R.T.R. 167, C.A.
- B. (Adoption: Jurisdiction to Set Aside), *In re* [1995] 1 F.L.R. 1. **Decision of Sir Stephen Brown P. affirmed** [1995] Fam. 239; [1995] 3 W.L.R. 40, C.A.
- B. & S. Displays Ltd. v. Special Comrs. (1978) 52 T.C. 318. **Considered**, *Khan v. General Comrs. for Newport and Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3413
- B.I.C.C. Plc. v. Burndy Corp'n. [1985] Ch. 232; [1985] 2 W.L.R. 132; [1985] 1 All E.R. 417, C.A. **Applied**, *Aectra Refining and Marketing Inc. v. Exmar N.V.* [1995] 1 Lloyd's Rep. 191, C.A.
- B.P. Exploration Co. (Libya) Ltd. v. Hunt (No. 2) [1979] 1 W.L.R. 783, 799-800; [1982] 1 All E.R. 925. **Dicta of Robert Goff J. considered**, *Gamerco S.A. v. I.C.M./Fair Warning (Agency) Ltd.* [1995] 1 W.L.R. 1226
- B.P. Oil Development Ltd. v. Inland Revenue Comrs. (1988) 64 T.C. 498, Vinelott J., C.A. and H.L.(E.). **Considered**, *Chevron U.K. Ltd. v. Inland Revenue Comrs.* (1995) T.C. Leaflet No. 3442
- Babanaft International Co. S.A. v. Bassatne [1990] Ch. 13; [1989] 2 W.L.R. 232; [1989] 1 All E.R. 433; [1988] 2 Lloyd's Rep. 435, C.A. **Considered**, *Baltic Shipping Co. v. Translink Shipping Ltd.* [1995] 1 Lloyd's Rep. 673
- Baden v. Société Générale pour Favoriser le Développement du Commerce et de l'Industrie en France S.A. (Note) [1993] 1 W.L.R. 509; [1992] 4 All E.R. 161. **Considered**, *Commission for the New Towns v. Cooper (Great Britain) Ltd.* [1995] Ch. 259; [1995] 2 W.L.R. 677, C.A.; *Royal Brunei Airlines Sdn. Bhd. v. Tan* [1995] 2 A.C. 378; [1995] 3 W.L.R. 64, P.C.
- Bagettes Ltd. v. G.P. Estates Ltd. [1956] Ch. 290; [1956] 2 W.L.R. 773; [1956] 1 All E.R. 729, C.A. **Applied**, *Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd.* [1995] 3 W.L.R. 854, H.L.(E.)
- Balabel v. Air India [1988] Ch. 317, 330, 331-332; [1988] 2 W.L.R. 1036; [1988] 2 All E.R. 246, C.A. **Dictum of Taylor L.J. applied**, *Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow* [1995] 1 All E.R. 976
- Balkanbank v. Taher [1994] 4 All E.R. 239. **Decision of Clarke J. affirmed in part** [1995] 1 W.L.R. 1056, C.A. **Decision of Clarke J. reversed in part**, *Balkanbank v. Taher (No. 2)* [1995] 1 W.L.R. 1067, C.A.
- Baly v. Barrett (H.L.) [1988] N.I. 369. **Applied**, *The Al Tabith and Alanfushi* [1995] 2 Lloyd's Rep. 336, C.A.
- Banco, The [1971] P. 137; [1971] 2 W.L.R. 335; [1971] 1 All E.R. 524; [1971] 1 Lloyd's Rep. 49, C.A. **Applied**, *Interatlantic (Namibia) (Pty.) Ltd. v. Okeanski Ribolov Ltd.* [1995] 2 Lloyd's Rep. 286
- Bank Line Ltd. v. Inland Revenue Comrs. (1974) 49 T.C. 307. **Considered**, *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3429
- Bank of Baroda v. Shah [1988] 3 All E.R. 24, C.A. **Followed**, *Banco Exterior Internacional v. Mann* [1995] 1 All E.R. 936, C.A. **Considered**, *Massey v. Midland Bank Plc.* [1995] 1 All E.R. 929, C.A.
- Bankers Trust Co. v. Shapira [1980] 1 W.L.R. 1274; [1980] 3 All E.R. 353, C.A. **Applied**, *Omar v. Omar* [1995] 1 W.L.R. 1428
- Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd. [1995] Q.B. 375; [1995] 2 W.L.R. 607, 620; [1995] 2 All E.R. 769, C.A. **Dictum of Sir Thomas Bingham M.R. applied**, *Brown v. K.M.R. Services Ltd.* [1995] 4 All E.R. 598, C.A.

- Banque Keyser Ullmann S.A. v. Skandia (U.K.) Insurance Co. Ltd. [1991] 2 A.C. 249; [1990] 3 W.L.R. 364; [1990] 2 All E.R. 947, H.L.(E.). **Applied**, *Standard Bank London Ltd. v. The Bank of Tokyo Ltd.* [1995] 2 Lloyd's Rep. 169. **Distinguished**, *Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.* [1995] Q.B. 375; [1995] 2 W.L.R. 607, C.A.
- Barber v. Guardian Royal Exchange Assurance Group (Case C-262/88) [1991] 1 Q.B. 344; [1991] 2 W.L.R. 72; [1990] I.C.R. 616; [1990] 2 All E.R. 660, E.C.J. **Applied**, *Ten Oever v. Stichting Bedrijfspensioenfonds voor het Glazenwassers- en Schoonmaakbedrijf (Case C-109/91)* [1995] I.C.R. 74, E.C.J.; *Moroni v. Collo G.m.b.H. (Case C-110/91)* [1995] I.C.R. 137, E.C.J.; *Neath v. Hugh Steeper Ltd. (Case C-152/91)* [1995] I.C.R. 158, E.C.J.; *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.; *Smith v. Avdel Systems Ltd. (Case C-408/92)* [1995] I.C.R. 596, E.A.T.; *Howard v. Ministry of Defence* [1995] I.C.R. 1075, E.A.T. **Considered**, *Rankin v. British Coal Corp'n.* [1995] I.C.R. 774, E.A.T.; *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889, C.A.
- Barber v. Thames Television Plc. [1991] I.C.R. 253, E.A.T. **Followed**, *Leicester University Student's Union v. Mahomed* [1995] I.C.R. 270, E.A.T.
- Barclays Bank Plc. v. Glasgow City Council [1994] Q.B. 404; [1994] 2 W.L.R. 466; [1994] 4 All E.R. 865, C.A. **Considered**, *Trade Indemnity Plc. v. Försäkringsaktiebolaget Njord (in liquidation)* [1995] 1 All E.R. 796
- Barclays Bank Plc. v. O'Brien [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417, H.L.(E.). **Applied**, *Banco Exterior Internacional v. Mann* [1995] 1 All E.R. 936, C.A. **Considered**, *T.S.B. Bank Plc. v. Camfield* [1995] 1 W.L.R. 430, C.A.; *Massey v. Midland Bank Plc.* [1995] 1 All E.R. 929, C.A.
- Barclays Bank Trust Co. Ltd. v. Bluff [1982] Ch. 172; [1982] 2 W.L.R. 198; [1981] 3 All E.R. 232. **Distinguished**, *Popat v. Shonchhatra* [1995] 1 W.L.R. 908
- Barkway v. South Wales Transport Co. Ltd. [1949] 1 K.B. 54; [1948] 2 All E.R. 460, C.A. **Considered**, *Brinks Ltd. v. Abu-Saleh (No. 2)* [1995] 1 W.L.R. 1487
- Barlow Clowes International Ltd. v. Vaughan [1992] 4 All E.R. 22, C.A. **Considered**, *El Ajou v. Dollar Land Holdings Plc. (No. 2)* [1995] 2 All E.R. 213
- Barnes v. Addy (1874) L.R. 9 Ch.App. 244, 251-252. **Dictum of Lord Selborne L.C. considered**, *Royal Brunei Airlines Sdn. Bhd. v. Tan* [1995] 2 A.C. 378; [1995] 3 W.L.R. 64, P.C.
- Barras v. Aberdeen Steam Trawling and Fishing Co. Ltd. [1933] A.C. 402, 411, H.L.(Sc.). **Dictum of Viscount Buckmaster applied**, *R. v. Radio Authority, Ex parte Bull* [1995] 3 W.L.R. 572, D.C.
- Bartlett v. Barclays Bank Trust Co. Ltd. (Nos. 1 and 2) [1980] Ch. 515; [1980] 2 W.L.R. 430; [1980] 1 All E.R. 139. **Applied**, *Brown v. K.M.R. Services Ltd.* [1995] 4 All E.R. 598, C.A. **Considered**, *Target Holdings Ltd. v. Redfern* [1995] 3 W.L.R. 352, H.L.(E.)
- Bates (Thomas) and Son Ltd. v. Wyndham's (Lingerie) Ltd. [1981] 1 W.L.R. 505, 515; [1981] 1 All E.R. 1077, C.A. **Dictum of Buckley L.J. applied**, *Commission for the New Towns v. Cooper (Great Britain) Ltd.* [1995] Ch. 259; [1995] 2 W.L.R. 677, C.A.
- Bath and West Counties Property Trust Ltd. v. Thomas [1977] 1 W.L.R. 1423; [1978] 1 All E.R. 305; 52 T.C. 20. **Followed**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Bath Glass Ltd., *In re* [1988] B.C.L.C. 329, 322. **Dicta of Peter Gibson J. approved**, *In re Grayan Building Services Ltd.* [1995] Ch. 241; [1995] 3 W.L.R. 1, C.A.
- Baxter v. F.W. Gapp & Co. Ltd. [1939] 2 K.B. 271; [1939] 2 All E.R. 752, C.A. **Applied**, *Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.* [1995] Q.B. 375; [1995] 2 W.L.R. 607, C.A.
- Beaman v. A.R.T.S. Ltd. [1949] 1 K.B. 550; [1949] 1 All E.R. 465, C.A. **Considered**, *Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd.* [1995] 2 W.L.R. 570, H.L.(E.)
- Becker v. Finanzamt Münster-Innenstadt (Case 8/81) [1982] E.C.R. 53, E.C.J. **Applied**, *Francovich v. Italian Republic (Case C-6/90)* [1995] I.C.R. 722, E.C.J.
- Bedder v. Director of Public Prosecutions [1954] 1 W.L.R. 1119; [1954] 2 All E.R. 801, H.L.(E.). **Considered**, *R. v. Morhall* [1995] 3 W.L.R. 330, H.L.(E.)
- Bedford Insurance Co. Ltd. v. Instituto de Resseguros do Brasil [1985] Q.B. 966; [1984] 3 W.L.R. 726; [1984] 3 All E.R. 766; [1984] 1 Lloyd's Rep. 210. **Considered**, *Bates v. Barrow Ltd.* [1995] 1 Lloyd's Rep. 680
- Bekhor (A.J.) & Co. Ltd. v. Bilton [1981] Q.B. 923; [1981] 2 W.L.R. 601; [1981] 2 All E.R. 565, C.A. **Considered**, *Gidrxsime Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.* [1995] 1 W.L.R. 299
- Belmont Finance Corp'n. Ltd. v. Williams Furniture Ltd. [1979] Ch. 250; [1978] 3 W.L.R. 712; [1979] 1 All E.R. 118, C.A. **Considered**, *Royal Brunei Airlines Sdn. Bhd. v. Tan* [1995] 2 A.C. 378; [1995] 3 W.L.R. 64, P.C.
- Berkshire, The [1974] 1 Lloyd's Rep. 185. **Applied**, *M.B. Pyramid Sound N.V. v. Briese Schifffahrts G.m.b.H. and Co.* [1995] 2 Lloyd's Rep. 144
- Beswick v. Beswick [1968] A.C. 58, 73, 77; [1967] 3 W.L.R. 932; [1967] 2 All E.R. 1197, H.L.(E.). **Dicta of Lord Reid applied**, *Associated Newspapers Ltd. v. Wilson* [1995] 2 A.C. 454; [1995] 2 W.L.R. 354; [1995] I.C.R. 406, H.L.(E.)

- Beta Construction Ltd. v. Channel Four Television Co. Ltd. [1990] 1 W.L.R. 1042; [1990] 2 All E.R. 1012, C.A. **Considered**, *Taylor v. Anderton (Police Complaints Authority Intervening)* [1995] 1 W.L.R. 447, C.A.
- Biehl v. Administration des contributions du grand-duché de Luxembourg (Case C-175/88) [1990] E.C.R. I-1779, 1792, para. 12, E.C.J. **Dicta applied**, *Finanzamt Köln-Alstadt v. Schumacker (Case C-279/93)* [1995] 3 W.L.R. 498, E.C.J.
- Bilka-Kaufhaus G.m.b.H. v. Weber von Hartz (Case 170/84) [1987] I.C.R. 110, E.C.J. **Considered**, *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.
- Billson v. Residential Apartments Ltd. [1992] 1 A.C. 494, 534; [1992] 2 W.L.R. 15; [1992] 1 All E.R. 141, H.L.(E.). **Dicta of Lord Templeman applied**, *G.S. Fashions Ltd. v. B. & Q. Plc.* [1995] 1 W.L.R. 1088
- Birkett v. James [1978] A.C. 297; [1977] 3 W.L.R. 38; [1977] 2 All E.R. 801, H.L.(E.). **Applied**, *James Lazenby & Co. v. McNicholas Construction Co. Ltd.* [1995] 1 W.L.R. 615; *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 839, C.A. **Distinguished**, *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 271
- Bishop v. Consolidated London Properties Ltd. (1933) 148 L.T. 407. **Applied**, *British Telecommunications Plc. v. Sun Life Assurance Society Plc.* [1995] 3 W.L.R. 622, C.A.
- Bishopsgate Investment Management Ltd. v. Maxwell (No. 2) [1994] 1 All E.R. 261, C.A. **Distinguished**, *Target Holdings Ltd. v. Redferns* [1995] 3 W.L.R. 352, H.L.(E.)
- Bisley (A.M.) & Co. Ltd. v. Comr. of Inland Revenue (1985) 7 N.Z.T.C. 5,082, 5,096. **Dicta of Henry J. not followed**, *Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd.* [1995] 3 W.L.R. 671, P.C.
- Blackman v. Fysh [1892] 3 Ch. 209, 217, C.A. **Dictum of Kekewich J. applied**, *Parr v. Smith* [1995] 2 All E.R. 1031, C.A.
- Bolam v. Friern Hospital Management Committee [1957] 1 W.L.R. 582; [1957] 2 All E.R. 118. **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Bolivian and General Tin Trust Ltd. v. Secretary of State for the Environment [1972] 1 W.L.R. 1481; [1972] 3 All E.R. 918; 71 L.G.R. 39. **Followed**, *Bailey v. Secretary of State for the Environment* (1994) 93 L.G.R. 248, C.A.
- Bolton (H.L.) (Engineering) Co. Ltd. v. T. J. Graham & Sons Ltd. [1957] 1 Q.B. 159; [1956] 3 W.L.R. 804; [1956] 3 All E.R. 624, C.A. **Considered**, *Meridian Global Funds Management Asia Ltd. v. Securities Commission* [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.
- Bond v. Pickford (1983) 57 T.C. 301, Nourse J. and C.A. **Considered**, *Swires v. Renton* (1991) 64 T.C. 315
- Boughten v. Fredrick Attwood Ltd. [1978] 1 Lloyd's Rep. 413; [1978] R.T.R. 313. **Considered**, *Shell Chemicals U.K. Ltd. v. P. & O. Roadtanks Ltd.* [1995] 1 Lloyd's Rep. 297, C.A.
- Bourgoin S.A. v. Ministry of Agriculture, Fisheries and Food [1986] Q.B. 716; [1985] 3 W.L.R. 1027; [1985] 3 All E.R. 585, C.A. **Applied**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488
- Bourhill v. Young [1943] A.C. 92; [1942] 2 All E.R. 396, H.L.(Sc.). **Considered**, *Page v. Smith* [1995] 2 W.L.R. 644, H.L.(E.)
- Bowman v. Secular Society Ltd. [1917] A.C. 406, H.L.(E.). **Applied**, *R. v. Radio Authority, Ex parte Bull* [1995] 3 W.L.R. 572, D.C.
- Bowring (C.T.) & Co. (Insurance) Ltd. v. Corsi Partners Ltd. [1994] 2 Lloyd's Rep. 567, 580-581, C.A. **Considered**, *Eurocross Sales Ltd. v. Cornhill Insurance Plc.* [1995] 1 W.L.R. 1517, C.A. **Dictum of Millett L.J. considered**, *Balkanbank v. Taher* [1995] 1 W.L.R. 1056, C.A.
- Boyer (William) & Sons Ltd. v. Adams (1975) 32 P. & C.R. 89. **Disapproved**, *Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd.* [1975] 3 W.L.R. 854, H.L.(E.)
- Boyter v. Thomson, 1994 S.L.T. 1315. **Decision of the Extra Division of the Court of Session affirmed** [1995] 2 A.C. 628; [1995] 3 W.L.R. 36, H.L.(Sc.)
- Bray v. Best [1989] 1 W.L.R. 167, 177; [1989] 1 All E.R. 969; 61 T.C. 705, H.L.(E.) **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420. **Observation of Lord Oliver of Aylmerton followed**, *Griffin v. Standish* (1995) T.C. Leaflet No. 3445
- Bray v. Ford [1896] A.C. 44, H.L.(E.). **Considered**, *In re Drexel Burnham Lambert U.K. Pension Plan* [1995] 1 W.L.R. 32
- Bremer Vulkan Schiffbau und Maschinenfabrik v. South India Shipping Corpn. Ltd. [1981] A.C. 909; [1981] 2 W.L.R. 141; [1981] 1 All E.R. 289; [1981] 1 Lloyd's Rep. 253, H.L.(E.). **Applied**, *Yasuda Fire & Marine Insurance Co. of Europe Ltd. v. Orion Marine Insurance Underwriting Agency Ltd.* [1995] Q.B. 174; [1995] 2 W.L.R. 49. **Considered**, *Frota Oceanica Brasileira S.A. v. Steamship Mutual Underwriting Association (Bermuda) Ltd.* [1995] 2 Lloyd's Rep. 254
- British Airways Board v. Laker Airways Ltd. [1984] Q.B. 142, 160, 163; [1983] 3 W.L.R. 544; [1983] 3 All E.R. 375. **Dictum of Parker J. applied**, *Société Commerciale de Réassurance v. Eras International Ltd. (No. 2)* [1995] 2 All E.R. 278
- British Anzani (Felixstowe) Ltd. v. International Marine Management (U.K.) Ltd. [1980] Q.B. 137; [1979] 3 W.L.R. 451; [1979] 2 All E.R. 1063. **Considered**, *Eller v. Grovecrest Investments Ltd.* [1995] Q.B. 272; [1995] 2 W.L.R. 278, C.A.

- British Basic Slag Ltd. v. Registrar of Restrictive Trading Agreements (1963) L.R. 4 R.P. 116; [1963] 1 W.L.R. 727; [1963] All E.R. 807, C.A. **Considered**, *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.)
- British Coal Corpn. v. British Coal Staff Superannuation Scheme Trustees Ltd. [1993] P.L.R. 303. **Considered**, *In re Drexel Burnham Lambert U.K. Pension Plan* [1995] 1 W.L.R. 32
- British Insulated and Helsby Cables Ltd. v. Atherton [1926] A.C. 205; 10 T.C. 155. **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- British Midland Airways Ltd. v. Lewis [1978] I.C.R. 782, E.A.T. **Considered**, *Leicester University Student's Union v. Mahomed* [1995] I.C.R. 270, E.A.T.
- British Steel Corpn. v. Cleveland Bridge and Engineering Co. Ltd. [1984] 1 All E.R. 504. **Distinguished**, *Regalian Properties Plc. v. London Docklands Development Corpn.* [1995] 1 W.L.R. 212
- British Telecommunications Plc. v. Sun Life Assurance Society Plc. [1994] 2 E.G.L.R. 66. **Decision of Aldous J. affirmed** [1995] 3 W.L.R. 622, C.A.
- British Westinghouse Electric and Manufacturing Co. Ltd. v. Underground Electric Railways Co. of London Ltd. [1912] A.C. 673, H.L.(E.). **Applied**, *Thomas v. Countryside Council for Wales* [1994] 4 All E.R. 853. **Considered**, *Ruxley Electronics and Constructions Ltd. v. Forsyth* [1995] 3 W.L.R. 118, H.L.(E.)
- Brittain v. Gibb (1986) 59 T.C. 374. **Followed**, *Mellor v. Gurney* (1994) T.C. Leaflet No. 3418
- Brooks v. Brooks [1995] Fam. 70; [1994] 3 W.L.R. 1292; [1994] 4 All E.R. 1065, C.A. **Decision of the Court of Appeal affirmed** [1995] 3 W.L.R. 141, H.L.(E.)
- Brown v. Guardian Royal Exchange [1994] 2 Lloyd's Rep. 325, C.A. **Considered**, *Formica Ltd. v. Secretary of State Acting by the Export Credits Guarantee Department* [1995] 1 Lloyd's Rep. 692
- Brown v. Matthews [1990] Ch. 662; [1990] 2 W.L.R. 879; [1990] 2 All E.R. 155, C.A. **Applied**, *Oxfordshire County Council v. P.* [1995] Fam. 161; [1995] 2 W.L.R. 543
- Brown v. Roberts [1965] 1 Q.B. 1; [1963] 3 W.L.R. 75; [1963] 2 All E.R. 263; [1963] 1 Lloyd's Rep. 314. **Considered**, *Stinton v. Stinton* [1995] R.T.R. 167, C.A.
- Brown v. Wilson (1949) 208 L.T.Jo. 144. **Overruled**, *Pennell v. Payne* [1995] Q.B. 192; [1995] 2 W.L.R. 261, C.A.
- Brumby v. Milner [1976] 1 W.L.R. 1096; [1976] 3 All E.R. 636; 51 T.C. 583, H.L.(E.). **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Bruty v. Edmundson [1918] 1 Ch. 112. **Considered**, *In re A Company (No. 004081 of 1989)* [1995] 2 All E.R. 155
- Bryanston Finance Ltd. v. de Vries (No. 2) [1976] Ch. 63; [1976] 2 W.L.R. 41; [1976] 1 All E.R. 25, C.A. **Considered**, *In re A Company (No. 007923 of 1994)* [1995] 1 W.L.R. 953, C.A.
- Buchanan-Michaelson v. Rubinstein [1965] 1 W.L.R. 390; [1965] 1 All E.R. 599, C.A. **Applied**, *Baldock v. Addison* [1995] 1 W.L.R. 158
- Buckoke v. Greater London Council [1971] Ch. 655; [1971] 2 W.L.R. 760; [1971] 2 All E.R. 254; 69 L.G.R. 210; [1971] R.T.R. 131, C.A. **Considered**, *Director of Public Prosecutions v. Harris* [1995] 1 Cr.App.R. 170; [1995] R.T.R. 100, D.C.
- Bugg v. Director of Public Prosecutions [1993] Q.B. 473; [1993] 2 W.L.R. 628; [1993] 2 All E.R. 815, D.C. **Applied**, *R. v. Wicks* (1995) 93 L.G.R. 377, C.A.
- Business Computers International Ltd. v. Registrar of Companies [1988] Ch. 229; [1987] 3 W.L.R. 1134; [1987] 3 All E.R. 465. **Considered**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488
- C. (A Minor) (Adopted Child: Contact), *In re* [1993] Fam. 210, 213; [1993] 3 W.L.R. 85; [1993] 3 All E.R. 259. **Dictum of Thorpe J. disapproved**, *In re T. (Minors) (Adopted Children: Contact)* [1995] 3 W.L.R. 793, C.A.
- C. (A Minor) (Adoption Order: Conditions), *In re* [1989] A.C. 1, 17-18; [1988] 2 W.L.R. 474; [1988] 1 All E.R. 705, H.L.(E.). **Dictum of Lord Ackner applied**, *In re S. (A Minor) (Adoption order: Conditions)* [1995] 2 All E.R. 122, C.A.
- C. v. C. (Abduction: Rights of Custody) [1989] 1 W.L.R. 654; [1989] 2 All E.R. 465, C.A. **Applied**, *In re F. (A Minor) (Abduction: Custody Rights Abroad)* [1995] Fam. 224; [1995] 3 W.L.R. 339, C.A.
- C. (A Minor) v. Director of Public Prosecutions [1994] 3 W.L.R. 888; [1994] 3 All E.R. 190, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1995] 2 W.L.R. 383, H.L.(E.)
- C.H.W. (Huddersfield) Ltd. v. Inland Revenue Comrs. [1963] 1 W.L.R. 767; [1963] 2 All E.R. 952; 41 T.C. 92, H.L.(E.). **Considered**, *Jones v. Lincoln-Lewis* (1991) 64 T.C. 112
- Calvert v. London Dock Co. (1838) 2 Keen 638. **Considered**, *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)
- Campbell v. Campbell [1922] P. 187, 192. **Dictum of Sir Henry Duke P. applied**, *In re Bradley-Hole (A Bankrupt)* [1995] 1 W.L.R. 1097

- Canada Steamship Lines Ltd. v. The King [1952] A.C. 192; [1952] 1 T.L.R. 261; [1952] 1 All E.R. 305; [1952] Lloyd's Rep. 1, P.C. **Applied**, *Mediterranean Freight Services Ltd. v. B.P. Oil International Ltd.* [1994] 2 Lloyd's Rep. 506, C.A. **Considered**, *Shell Chemicals U.K. Ltd. v. P. & O. Roadtanks Ltd.* [1995] 1 Lloyd's Rep. 297, C.A.; *Toomey v. Eagle Star Insurance Co. Ltd.* (No. 2) [1995] 2 Lloyd's Rep. 88
- Canadian Pacific Railway Co. v. The Queen [1931] A.C. 414, P.C. **Applied**, *Governing Body of the Henrietta Barnett School v. The Hampstead Garden Suburb Institute* (1995) 93 L.G.R. 470
- Cannon v. Barnsley Metropolitan Borough Council [1992] I.C.R. 698, E.A.T. **Considered**, *Rankin v. British Coal Corpn.* [1995] I.C.R. 774, E.A.T. **Distinguished**, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.
- Caparo Industries Plc. v. Dickman [1990] 2 A.C. 605; [1990] 2 W.L.R. 358; [1990] 1 All E.R. 568, H.L.(E.). **Applied**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488; *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.); *Aiken v. Stewart Wrightson Members Agency Ltd.* [1995] 1 W.L.R. 1281. **Considered**, *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)
- Carlisle and Silloth Golf Club v. Smith (1913) 6 T.C. 198. **Considered**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1994) T.C. Leaflet No. 3422
- Carpenter v. Carpenter [1988] 1 F.L.R. 121, 127, C.A. **Dictum of Bingham L.J. applied**, *McCann v. Wright* [1995] 1 W.L.R. 1556, C.A.
- Carr v. Sayer (1992) 65 T.C. 15. **Considered**, *Gray v. Seymours Garden Centre (Horticulture)* (1995) T.C. Leaflet No. 3443, C.A.
- Carradine Properties Ltd. v. Aslam [1976] 1 W.L.R. 442; [1976] 1 All E.R. 573. **Approved**, *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.* [1995] 1 W.L.R. 1508, C.A.
- Castellain v. Preston (1883) 11 Q.B.D. 380. **Considered**, *Colonia Versicherung A.G. v. Amoco Oil Co.* [1995] 1 Lloyd's Rep. 570
- Cefetra B.V. v. Alfred C. Toepfer International G.m.b.H [1994] 1 Lloyd's Rep. 93. **Considered**, *Transcatlana de Commercio S.A. v. Incobrasa Industrial e Commercial Brasileira S.A.* [1995] 1 Lloyd's Rep. 215
- Chalmers v. Payne (1835) 2 C.M. & R. 156. **Applied**, *Charleston v. News Group Newspapers Ltd.* [1995] 2 A.C. 65; [1995] 2 W.L.R. 450, H.L.(E.)
- Chan Chi-hung v. The Queen (1993) 3 H.K.P.L.R. 243. **Decision of the Court of Appeal of Hong Kong affirmed** [1995] 3 W.L.R. 742, P.C.
- Chan Wing-Siu v. The Queen [1985] A.C. 168; [1984] 3 W.L.R. 677; [1984] 3 All E.R. 877; 80 Cr.App.R. 117, P.C. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- Chandroute v. Gajadhar [1987] A.C. 147; [1987] 2 W.L.R. 1, P.C. **Distinguished**, *Popat v. Shonchhatra* [1995] 1 W.L.R. 908
- Channel Tunnel Group Ltd. v. Balfour Beatty Construction Ltd. [1993] A.C. 334, 365-366; [1993] 2 W.L.R. 262; [1993] 1 All E.R. 664, H.L.(E.). **Dictum of Lord Mustill applied**, *Balkanbank v. Taher (No. 2)* [1995] 1 W.L.R. 1067, C.A. **Considered**, *Mercedes Benz A.G. v. Leiduck* [1995] 3 W.L.R. 718, P.C.; *Department of Social Security v. Butler* [1995] 1 W.L.R. 1528, C.A.
- Chaplin v. H. J. Rawlinson Ltd. [1991] I.C.R. 553, 563, E.A.T. **Dictum of Wood J. considered**, *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349, E.A.T.
- Chase Manhattan Bank N.A. v. Kaffka (1984) 33 W.I.R. 132. **Overruled**, *Ho Young v. Bess* [1995] 1 W.L.R. 350, P.C.
- Ching v. Surrey County Council [1910] 1 K.B. 736, C.A. **Distinguished**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- City Index Ltd. v. Leslie [1992] 1 Q.B. 98; [1991] 3 W.L.R. 207; [1991] 3 All E.R. 180, C.A. **Considered**, *Morgan Grenfell & Co. Ltd. v. Welwyn Hatfield District Council* [1995] 1 All E.R. 1
- City of Glasgow District Council v. Excess Insurance Co. Ltd., 1986 S.L.T. 585. **Considered**, *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)
- Clement-Clarke International Ltd. v. Manley [1979] I.C.R. 74, E.A.T. **Followed**, *Derwent Coachworks v. Kirby* [1995] I.C.R. 48, E.A.T.
- Cock v. Attorney-General (1909) 28 N.Z.L.R. 405. **Distinguished**, *Bethel v. Douglas* [1995] 1 W.L.R. 794, P.C.
- Cocking v. Sandhurst (Stationers) Ltd. [1974] I.C.R. 650, N.I.R.C. **Considered**, *Drinkwater Sabey Ltd. v. Burnett* [1995] I.C.R. 328, E.A.T.
- Colonial Bank v. Cady and Williams (1890) 15 App.Cas. 267, H.L.(E.). **Applied**, *Macmillan Inc. v. Bishopsgate Investment Trust Plc. (No. 3)* [1995] 1 W.L.R. 978
- Colonial Mutual General Insurance Co. Ltd. v. ANZ Banking Group (New Zealand) Ltd. [1994] 3 N.Z.L.R. 136. **Decision of the Court of Appeal of New Zealand affirmed** [1995] 1 W.L.R. 1140, P.C.
- Comdel Commodities Ltd. v. Siporex Trade S.A. (No. 2) [1991] 1 A.C. 148; [1990] 3 W.L.R. 1; [1990] 2 All E.R. 552; [1990] 2 Lloyd's Rep. 207, H.L.(E.). **Applied**, *Swiss Bank Corpn. v. Novorissysk Shipping Co.* [1995] 1 Lloyd's Rep. 202

- Comet Products U.K. Ltd. v. Hawkex Plastics Ltd. [1971] 2 Q.B. 67; [1971] 2 W.L.R. 361; [1971] 1 All E.R. 1141, C.A. **Applied**, *In re Dominion International Group Plc.* [1995] 1 W.L.R. 649
- Commercial Union Assurance Co. of Australia Ltd. v. Federal Comr. of Taxation (1977) 14 A.L.R. 651. **Applied**, *Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd.* [1995] 3 W.L.R. 671, P.C.
- Commercial Union Assurance Co. of N.Z. Ltd. v. Lamont [1989] 3 N.Z.L.R. 187. **Applied**, *Martin v. Watson* [1995] 3 W.L.R. 318, H.L.(E.)
- Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (Case C-246/89) [1991] E.C.R. I-4585, 4611, para. 12, E.C.J. **Dicta applied**, *Finanzamt Köln-Alstadt v. Schumacker (Case C-279/93)* [1995] 3 W.L.R. 498, E.C.J.
- Commission of the European Communities v. United Kingdom (Case C-382/92) [1994] I.C.R. 664, E.C.J. **Considered**, *U.K. Waste Control Ltd. v. Wren* [1995] I.C.R. 974, E.A.T.
- Comr. of Inland Revenue v. Challenge Corpn. Ltd. [1987] A.C. 155; [1987] 2 W.L.R. 24, P.C. **Considered**, *Inland Revenue Comrs. v. Willoughby* (1994) T.C. Leaflet No. 3428, C.A.
- Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd. [1994] 2 N.Z.L.R. 392. **Decision of the Court of Appeal of New Zealand affirmed on different grounds** [1995] 3 W.L.R. 671, P.C.
- Commonwealth Life Assurance Society Ltd. v. Brain (1935) 53 C.L.R. 343. **Applied**, *Martin v. Watson* [1995] 3 W.L.R. 318, H.L.(E.)
- Compagnie Financière et Commerciale de Pacifique v. Peruvian Guano Co. (1882) 11 Q.B.D. 55, C.A. **Applied**, *G.E. Capital Corporate Finance Group Ltd. v. Bankers Trust Co.* [1995] 1 W.L.R. 172, C.A. **Considered**, *Taylor v. Anderton (Police Complaints Authority Intervening)* [1995] 1 W.L.R. 447, C.A.
- Compagnie Générale Maritime v. Diakan Spirit S.A. [1981] 1 Lloyd's Rep. 550. **Applied**, *Brinks Ltd. v. Abu-Saleh (No. 2)* [1995] 1 W.L.R. 1487
- Compania de Navegacion Pohing S.A. v. Sea Tanker Shipping (PTE) Ltd. [1978] 2 Lloyd's Rep. 325, C.A. **Considered**, *Niobe Maritime Corpn. v. Tradax Ocean Transportation S.A.* [1995] 1 Lloyd's Rep. 579, H.L.(E.)
- Compania Maritima San Basilio S.A. v. Oceanus Mutual Underwriting Association (Bermuda) Ltd. [1977] Q.B. 49; [1976] 3 W.L.R. 265; [1976] 3 All E.R. 243; [1976] 2 Lloyd's Rep. 171, C.A. **Applied**, *Manifest Shipping & Co. Ltd. v. Uni-Polaris Insurance Co. Ltd.* [1995] 1 Lloyd's Rep. 651
- Compania Naviera Micro S.A. v. Shipley International Inc. [1982] 2 Lloyd's Rep. 351, C.A. **Considered**, *Egon Oldendorff v. Libera Corpn.* [1995] 2 Lloyd's Rep. 64
- Company (No. 004081 of 1989), *In re A* [1995] 2 All E.R. 155, 166. **Dictum of Lindsay J. followed**, *KPMG Peat Marwick McLintock v. H.L.T. Group Ltd.* [1995] 2 All E.R. 180
- Company (No. 007946 of 1993), *In re A* [1994] Ch. 198; [1994] 2 W.L.R. 438; [1994] 1 All E.R. 1007. **Considered**, *In re A Company (No. 007923 of 1994)* [1995] 1 W.L.R. 953, C.A.
- Congreso del Partido, I [1983] 1 A.C. 244; [1981] 3 W.L.R. 328; [1981] 2 All E.R. 1064, H.L.(E.). **Applied**, *Littrell v. United States of America (No. 2)* [1995] 1 W.L.R. 82, C.A. **Considered**, *Kuwait Airways Corpn. v. Iraqi Airways Co.* [1995] 1 W.L.R. 1147, H.L.(E.)
- Consolidated Goldfields Plc. v. Inland Revenue Comrs. (1990) 63 T.C. 333. **Considered**, *Whittles v. Uniholdings Ltd. (No. 2)* (1994) T.C. Leaflet No. 3427
- Continental Bank N.A. v. Aekos Compania Naviera S.A. [1994] 1 W.L.R. 588; [1994] 2 All E.R. 540; [1994] 1 Lloyd's Rep. 505, C.A. **Applied**, *Ocarina Marine Ltd. v. Marcard Stein & Co.* [1994] 2 Lloyd's Rep. 524. **Considered**, *Aggeliki Charis Compania Maritima S.A. v. Pagnan S.p.A.* [1995] 1 Lloyd's Rep. 87, C.A.
- Conway v. Rimmer [1968] A.C. 910; [1968] 2 W.L.R. 998; [1968] 1 All E.R. 874, H.L.(E.). **Considered**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488
- Cook v. Lanyon [1972] R.T.R. 496, D.C. **Considered**, *R. v. Johnson (Tony)* [1995] R.T.R. 15, C.A.
- Coopen v. Moore (No. 2) [1898] 2 Q.B. 306, C.A. **Considered**, *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.)
- Costa v. Ente Nazionale d'Energia Elettrica (Case 6/64) [1964] E.C.R. 585, E.C.J. **Applied**, *Francovich v. Italian Republic (Case C-6/90)* [1995] I.C.R. 722, E.C.J.
- Costello v. Dacorum District Council (1982) 81 L.G.R. 1, C.A. **Considered**, *R. v. Somerset County Council, Ex parte Fewings* [1995] 1 W.L.R. 1037, C.A.
- Coulson Sanderson & Ward Ltd. v. Ward (1986) 2 B.C.C. 99, 207, C.A. **Distinguished**, *In re A Company (No. 007923 of 1994)* [1995] 1 W.L.R. 953, C.A.
- Council of Civil Service Unions v. Minister for the Civil Service [1985] A.C. 374, 411; [1984] 3 W.L.R. 1174; [1984] 3 All E.R. 935, H.L.(E.). **Dictum of Lord Diplock considered**, *R. v. Criminal Injuries Compensation Board, Ex parte P.* [1995] 1 W.L.R. 845, C.A.; *R. v. Devon County Council, Ex parte Baker* [1995] 1 All E.R. 73, C.A.
- Cowley v. Manson Timber Ltd. [1994] I.C.R. 252. **Decision of the Employment Appeal Tribunal affirmed** [1995] I.C.R. 367, C.A.

- Craven v. White [1989] A.C. 398; [1988] 3 W.L.R. 423; [1988] 3 All E.R. 495; 62 T.C. 1, H.L.(E.). **Considered**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.; *Pigott v. Staines Investments Ltd.* (1995) T.C. Leaflet No. 3426
- Customs and Excise Comrs. v. Cure & Deeley Ltd. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798; [1961] 3 All E.R. 641. **Distinguished**, *Burford v. Durkin* (1990) 63 T.C. 645
- Cutler v. Wandsworth Stadium Ltd. [1949] A.C. 398, 407; [1949] 1 All E.R. 544, H.L.(E.). **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.). **Dictum of Lord Simonds applied**, *West Wiltshire District Council v. Garland (Cond. Third Party)* [1995] Ch. 297; [1995] 2 W.L.R. 439, C.A.
- Cynat Products Ltd. v. Landbuild (Investment and Property) Ltd. [1984] 3 All E.R. 513. **Distinguished**, *Aiken v. Stewart Wrightson Members Agency Ltd.* [1995] 1 W.L.R. 1281
- D. (Minors) (Adoption Reports: Confidentiality) *In re* [1995] 1 W.L.R. 356, C.A. **Decision of the Court of Appeal reversed**, *In re D. (Minors) (Adoption Reports: Confidentiality)* [1995] 3 W.L.R. 483, H.L.(E.)
- Danby v. Beardsley (1880) 43 L.T. 603, D.C. **Distinguished**, *Martin v. Watson* [1995] 3 W.L.R. 318, H.L.(E.)
- Davies v. Director of Public Prosecutions [1954] A.C. 378; [1954] 2 W.L.R. 343; [1954] 1 All E.R. 507, H.L.(E.). **Considered**, *R. v. Asghar* [1995] 1 Cr.App.R. 223, C.A.
- Davies v. Presbyterian Church of Wales [1986] I.C.R. 280; [1986] 1 W.L.R. 323; [1986] 1 All E.R. 705, H.L.(E.). **Considered**, *Coker v. Diocese of Southwark* [1995] I.C.R. 564, I.T.
- Davies v. Taylor [1974] A.C. 207; [1972] 3 W.L.R. 801; [1972] 3 All E.R. 836, H.L.(E.). **Applied**, *Allied Maples Group Ltd. v. Simmons & Simmons* [1975] 1 W.L.R. 1602, C.A.
- De Beers Consolidated Mines Ltd. v. Howe [1906] A.C. 455, H.L.(E.). **Applied**, *In re Little Olympian Each Ways Ltd.* [1995] 1 W.L.R. 560
- Deanplan Ltd. v. Mahmoud [1993] Ch. 151; [1992] 3 W.L.R. 467; [1992] 3 All E.R. 945. **Applied**, *Mytre Investments Ltd. v. Reynolds* [1995] 3 All E.R. 588. **Considered**, *R.A. Securities Ltd. v. Mercantile Credit Co. Ltd.* [1995] 3 All E.R. 581
- Dearle v. Hall (1828) 3 Russ. 1. **Applied**, *Colonial Mutual General Insurance Co. Ltd. v. ANZ Banking Group (New Zealand) Ltd.* [1995] 1 W.L.R. 1140, P.C. **Distinguished**, *United Bank of Kuwait Plc. v. Sahib* [1995] 2 W.L.R. 94
- Debtor (No. 21 of 1950) (No. 2), *In re A, Ex parte The Petitioning Creditors v. The Debtor* [1951] Ch. 612; [1951] 1 All E.R. 600, D.C. **Applied**, *Brookes v. Harris* [1995] 1 W.L.R. 918
- Defrenne v. Belgian State (Case 80/70) [1971] E.C.R. 445, E.C.J. **Considered**, *Moroni v. Collo G.m.b.H. (Case C-110/91)* [1995] I.C.R. 137, E.C.J.
- Defrenne v. Sabena (Case 43/75) [1976] I.C.R. 547; [1981] 1 All E.R. 122n., E.C.J. **Applied**, *Smith v. Avdel Systems Ltd. (Case C-408/92)* [1995] I.C.R. 596, E.C.J.; *Howard v. Ministry of Defence* [1995] I.C.R. 1075, E.A.T. **Considered**, *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.; *Rankin v. British Coal Corp.* [1995] I.C.R. 774, E.A.T.
- Deichland, The [1990] 1 Q.B. 361; [1989] 3 W.L.R. 478; [1989] 2 All E.R. 1066, C.A. **Applied**, *In re S.-L. (Restraint Order: External Confiscation Order)* [1995] 3 W.L.R. 830, C.A.
- Delaney v. Staples [1992] I.C.R. 483, 488; [1992] 1 A.C. 687; [1992] 2 W.L.R. 451; [1992] 1 All E.R. 944, H.L.(E.). **Dicta of Lord Browne-Wilkinson applied**, *Abrahams v. Performing Right Society Ltd.* [1995] I.C.R. 1028, C.A.
- Dennis (A Bankrupt), *In re* [1993] Ch. 72; [1992] 3 W.L.R. 204; [1992] 3 All E.R. 436. **Decision of Sir Donald Nicholls V.-C. reversed** [1995] 3 W.L.R. 367, H.L.(E.)
- Derby & Co. Ltd. v. Larsson [1976] 1 W.L.R. 202; [1976] 1 All E.R. 401, H.L.(E.). **Applied**, *Société Commerciale de Réassurance v. Eras International Ltd. (No. 2)* [1995] 2 All E.R. 278
- Derby & Co. Ltd. v. Weldon (Nos. 3 and 4) [1990] Ch. 65; [1989] 2 W.L.R. 412; [1989] 1 All E.R. 1002, C.A. **Distinguished**, *Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.* [1995] 1 W.L.R. 299
- Derby & Co. Ltd. v. Weldon (No. 8) [1991] 1 W.L.R. 73, 96-97; [1990] 3 All E.R. 762, C.A. **Dictum of Dillon L.J. applied**, *International Business Machines Corp. v. Phoenix International (Computers) Ltd.* [1995] 1 All E.R. 413
- Devan Nair v. Yong Kuan Teik [1967] 2 A.C. 31; [1967] 2 W.L.R. 846; [1967] 2 All E.R. 34, P.C. **Applied**, *Absalom v. Gillett* [1995] 1 W.L.R. 128, D.C.
- Din (Taj) v. Wandsworth London Borough Council [1983] 1 A.C. 657; [1981] 3 W.L.R. 918; [1981] 3 All E.R. 881, H.L.(E.). **Considered**, *R. v. Brent London Borough Council, Ex parte Awua* [1995] 3 W.L.R. 215, H.L.(E.)
- Dines v. Initial Healthcare Services Ltd. [1993] I.C.R. 978, E.A.T. **Decision of the Employment Appeal Tribunal reversed** [1995] I.C.R. 11, C.A.
- Dingle v. Turner [1972] A.C. 601, 622-623; [1972] 2 W.L.R. 523; [1972] 1 All E.R. 878, H.L.(E.). **Dictum of Lord Cross considered**, *In re Segelman, decd.* [1995] 3 All E.R. 676
- Director of Buildings and Lands v. Shun Fung Ironworks Ltd. [1994] 1 H.K.C. 35. **Decision of the Court of Appeal of Hong Kong varied** [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, C.A.

- Director of Public Prosecutions v. P. [1991] 2 A.C. 447; [1991] 3 W.L.R. 161; [1991] 3 All E.R. 337; 93 Cr.App.R. 267, H.L.(E.). **Applied**, *R. v. H.* [1995] 2 A.C. 596; [1995] 2 W.L.R. 737, H.L.(E.); *R. v. Johnson (Kevin)* [1995] 2 Cr.App.R. 41, C.A.
- Director of Public Prosecutions v. Shannon [1975] A.C. 717; [1974] 3 W.L.R. 155; [1974] 2 All E.R. 1009; 59 Cr.App.R. 250. **Applied**, *R. v. Eriemo* [1995] 2 Cr.App.R. 206, C.A.
- Director of Public Prosecutions v. Walker [1974] 1 W.L.R. 1090, P.C. **Applied**, *Mills v. The Queen* [1995] 1 W.L.R. 511, P.C. **Considered**, *Director of Public Prosecutions v. Bailey* [1995] 1 Cr.App.R. 257, P.C.
- Director of Public Prosecutions v. Warren [1993] A.C. 319; [1992] 3 W.L.R. 884; [1992] 4 All E.R. 865; [1993] R.T.R. 58; 96 Cr.App.R. 312, H.L.(E.). **Considered**, *R. v. Burton-upon-Trent Justices, Ex parte Woolley* [1995] R.T.R. 139, D.C.; *Director of Public Prosecutions v. Garrett* [1995] R.T.R. 302, D.C.
- Director of Public Prosecutions v. Watkins [1989] Q.B. 821; [1989] 2 W.L.R. 966; [1989] 1 All E.R. 1126; [1989] R.T.R. 324, 89 Cr.App.R. 112, D.C. **Dicta of Taylor L.J. applied**, *Drake v. Director of Public Prosecutions* [1994] R.T.R. 411, D.C.
- Director of Public Prosecutions v. Winstanley [1993] R.T.R. 222, D.C. **Applied**, *Director of Public Prosecutions v. Garrett* [1995] R.T.R. 302, D.C.
- Discount Tobacco & Confectionery Ltd. v. Armitage (Note) [1995] I.C.R. 431, E.A.T. **Considered**, *Associated Newspapers Ltd. v. Wilson* [1995] 2 A.C. 454; [1995] 2 W.L.R. 354; [1995] I.C.R. 406, H.L.(E.).
- Doe dem. Lloyd v. Powell (1826) 5 B. & C. 308. **Applied**, *In re Dennis (A Bankrupt)* [1995] 3 W.L.R. 367, C.A.
- Dolan v. O'Hara [1975] N.I. 125. **Followed**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Dolling-Baker v. Merrett [1990] 1 W.L.R. 1205; [1991] 2 All E.R. 890, C.A. **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Hickey (No. 2)* [1995] 1 W.L.R. 734, D.C.
- Domb v. Isoz [1980] Ch. 548; [1980] 2 W.L.R. 565; [1980] 1 All E.R. 942, C.A. **Considered**, *Commission for the New Towns v. Cooper (Great Britain) Ltd.* [1995] Ch. 259; [1995] 2 W.L.R. 677, C.A.
- Dorset Yacht Co. Ltd. v. Home Office [1970] A.C. 1004; [1970] 2 W.L.R. 1140; [1970] 2 All E.R. 294, H.L.(E.). **Applied**, *Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd.* [1995] 3 W.L.R. 227, H.L.(E.). **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.).
- Dresser U.K. Ltd. v. Falcongate Freight Management Ltd. [1992] Q.B. 502; [1992] 2 W.L.R. 319; [1992] 2 All E.R. 450; [1991] 2 Lloyd's Rep. 557, C.A. **Considered**, *Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah* [1995] 1 Lloyd's Rep. 374
- Duffy v. Yeomans & Partners Ltd. [1993] I.C.R. 862, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1995] I.C.R. 1, C.A.
- Duncan, decd., *In re* [1968] P. 306, 311; [1968] 2 W.L.R. 1479; [1968] 2 All E.R. 395. **Dictum of Ormrod J. applied**, *International Business Machines Corp. v. Phoenix International (Computers) Ltd.* [1995] 1 All E.R. 413
- Dunlop v. Lambert (1839) 6 Cl. & F. 600, H.L.(E.). **Applied**, *Darlington Borough Council v. Wiltshier Northern Ltd.* [1995] 1 W.L.R. 68, C.A.
- Dunlop v. Woollahra Municipal Council [1982] A.C. 158; [1981] 2 W.L.R. 693; [1981] 1 All E.R. 1202, P.C. **Applied**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488
- Dunlop Pneumatic Tyre Co. Ltd. v. Actien-Gesellschaft für Motor und Motorfahrzeugbau Vorm. Cudell & Co. [1902] 1 K.B. 342, C.A. **Considered**, *Kuwait Airways Corp. v. Iraqi Airways Co.* [1995] 1 W.L.R. 1147, H.L.(E.).
- Dunn v. British Coal Corp. [1993] I.C.R. 591, C.A. **Considered**, *Hipwood v. Gloucester Health Authority* [1995] I.C.R. 999, C.A.
- Dupuis v. Parishioners of Ogbourne St. George [1941] P. 119. **Applied**, *In re St. Edmund's Churchyard, Gateshead* [1995] Fam. 172; [1995] 3 W.L.R. 253
- Durham Bros. v. Robertson [1898] 1 Q.B. 765, C.A. **Applied**, *Colonial Mutual General Insurance Co. Ltd. v. ANZ Banking Group (New Zealand) Ltd.* [1995] 1 W.L.R. 1140, P.C.
- Dyson v. Kerrier District Council [1980] 1 W.L.R. 1205; [1980] 3 All E.R. 313, C.A. **Considered**, *R. v. Brent London Borough Council, Ex parte Awua* [1995] 3 W.L.R. 215, H.L.(E.).
- E. (A Minor) v. Dorset County Council [1995] 2 A.C. 633; [1994] 3 W.L.R. 853; [1994] 4 All E.R. 640, C.A. **Order of the Court of Appeal varied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.).
- East Ham Corp. v. Bernard Sunley & Sons Ltd. [1966] A.C. 406; [1965] 3 W.L.R. 1096; [1965] 3 All E.R. 619, H.L.(E.). **Considered**, *Ruxley Electronics and Constructions Ltd. v. Forsyth* [1995] 3 W.L.R. 118, H.L.(E.).
- Eccles v. Bryant and Pollock [1948] Ch. 93; [1947] 2 All E.R. 865, C.A. **Considered**, *Commission for the New Towns v. Cooper (Great Britain) Ltd.* [1995] Ch. 259; [1995] 2 W.L.R. 677, C.A.

- Edwards v. Clinch [1982] A.C. 845; [1981] 3 W.L.R. 707; [1981] 3 All E.R. 543; 56 T.C. 367, H.L.(E.). **Considered**, *McMenamin v. Diggles* (1991) 64 T.C. 286
- Edwards v. Skyways Ltd. [1964] 1 W.L.R. 349; [1964] 1 All E.R. 494. **Considered**, *Whittles v. Uniholdings Ltd. (No. 2)* (1994) T.C. Leaflet No. 3427
- Edwards v. The Queen [1973] A.C. 648; [1972] 3 W.L.R. 893; [1973] 1 All E.R. 152, P.C. **Considered**, *R. v. Morhall* [1995] 3 W.L.R. 330, H.L.(E.)
- El Ajou v. Dollar Land Holdings Plc. [1994] 2 All E.R. 685, C.A. **Applied**, *Halifax Mortgage Services Ltd. v. Stepsky* [1995] 3 W.L.R. 701
- Ellerine Brothers (Pty.) Ltd. v. Klinger [1982] 1 W.L.R. 1375; [1982] 2 All E.R. 737, C.A. **Distinguished**, *Cruden Construction Ltd. v. Commission for the New Towns* [1995] 2 Lloyd's Rep. 387
- Elliot v. C. [1983] 1 W.L.R. 939; [1983] 2 All E.R. 1005; 77 Cr.App.R. 103, D.C. **Considered**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- Elphinstone v. Purchas (1871) L.R. 3 P.C. 605, P.C.; (1872) L.R. 4 P.C. 301, P.C. **Considered**, *In re St. John the Evangelist, Chopwell* [1995] Fam. 254; [1995] 3 W.L.R. 606
- Elwes v. Brigg Gas Co. (1886) 33 Ch.D. 562. **Applied**, *Waverley Borough Council v. Fletcher* [1995] 3 W.L.R. 772, C.A.
- Emeh v. Kensington and Chelsea and Westminster Area Health Authority [1985] Q.B. 1012; [1985] 2 W.L.R. 233; [1984] 3 All E.R. 1044, C.A. **Followed**, *Walkin v. South Manchester Health Authority* [1995] 1 W.L.R. 1543, C.A.
- Emmott v. Minister for Social Welfare (Case C-208/90) [1993] I.C.R. 8, E.C.J. **Explained**, *Johnson v. Chief Adjudication Officer (Case C-410/92)* [1995] I.C.R. 375, E.C.J. **Distinguished**, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.
- Erichsen v. Last (1881) 7 Q.B.D. 12. **Considered**, *Koenigsberger v. Mellor* (1995) T.C. Leaflet No. 3438, C.A.
- Esal (Commodities) Ltd. v. Oriental Credit Ltd. [1985] 2 Lloyd's Rep. 546, C.A. **Considered**, *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)
- Eschersheim, The [1976] 1 W.L.R. 430; [1976] 1 All E.R. 920; [1976] 2 Lloyd's Rep. 1, H.L.(E.). **Applied**, *The Lloyd Pacifico* [1995] 1 Lloyd's Rep. 54
- Esso Petroleum Co. Ltd. v. Southport Corpn. [1956] A.C. 218; [1956] 2 W.L.R. 81; [1955] 3 All E.R. 864, H.L.(E.). **Applied**, *Hoecheong Products Co. Ltd. v. Cargill Hong Kong Ltd.* [1995] 1 W.L.R. 404, P.C.
- Evans v. Hoare [1892] 1 Q.B. 593, D.C. **Distinguished**, *Firstpost Homes Ltd. v. Johnson* [1995] 1 W.L.R. 1567, C.A.
- Evans v. London Hospital Medical College (University of London) [1981] 1 W.L.R. 184; [1981] 1 All E.R. 715. **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Everett v. Griffiths [1920] 3 K.B. 163, C.A.; [1921] 1 A.C. 631, H.L.(E.). **Considered**, *West Wiltshire District Council v. Garland (Cond. Third Party)* [1995] 2 W.L.R. 439, C.A.; *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Exchange Travel Agency Ltd. v. Triton Property Trust Plc. [1991] B.C.L.C. 396. **Distinguished**, *In re A Debtor (No. 13A-IO-1995)* [1995] 1 W.L.R. 1127
- F. (A Minor) (Adoption: Parental Consent), *In re* [1982] 1 W.L.R. 102; [1982] 1 All E.R. 321, C.A. **Followed**, *Halawa v. Federation Against Copyright Theft* [1995] 1 Cr.App.R. 21, D.C.
- F. (A Minor) (Child Abduction), *In re* [1992] 1 F.L.R. 548, C.A. **Applied**, *In re F. (A Minor) (Abduction: Custody Rights Abroad)* [1995] Fam. 224; [1995] 3 W.L.R. 339, C.A.
- F. (A Minor) (Custody: Consent Order: Procedure), *In re* [1992] 1 F.L.R. 561, C.A. **Distinguished**, *In re R. (A Minor) (Consent Order: Appeal)* [1995] 1 W.L.R. 184, C.A.
- F. (or se. A.) (A Minor) (Publication of Information), *In re* [1977] Fam. 58; [1976] 3 W.L.R. 813; [1977] 1 All E.R. 114, C.A. **Applied**, *Oxfordshire County Council v. P.* [1995] Fam. 161; [1995] 2 W.L.R. 543
- F. (Mental Patient: Sterilisation), *In re* [1990] 2 A.C. 1; [1989] 2 W.L.R. 1025; [1989] 2 All E.R. 545, H.L.(E.). **Applied**, *In re S. (Hospital Patient: Court's Jurisdiction)* [1995] Fam. 26; [1995] 2 W.L.R. 38; [1995] 3 W.L.R. 78, C.A.
- Farley v. Housing and Commercial Developments Ltd. [1984] B.C.L.C. 442. **Approved**, *Stein v. Blake* [1995] 2 W.L.R. 710, H.L.(E.)
- Farrand v. Satterthwaite (1929) 14 T.C. 469. **Considered**, *Whittles v. Uniholdings Ltd. (No. 2)* (1994) T.C. Leaflet No. 3427
- Farrell v. Alexander [1977] A.C. 59, 73; [1976] 3 W.L.R. 145; [1976] 2 All E.R. 721, H.L.(E.). **Dicta of Lord Wilberforce applied**, *Associated Newspapers Ltd. v. Wilson* [1995] 2 A.C. 454; [1995] 2 W.L.R. 354, H.L.(E.). **Considered**, *N.A.P. Holdings U.K. Ltd. v. Whittles* (1994) T.C. Leaflet No. 3415, H.L.(E.)

- Fibrosa Spolka Akcyjna v. Fairbairn Lawson Combe Barbour Ltd. [1943] A.C. 32, 61; [1942] 2 All E.R. 122, 135, H.L.(E.). **Dictum of Lord Wright applied**, *Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council* [1994] 4 All E.R. 972
- Foakes v. Beer (1884) 9 App.Cas. 605, H.L.(E.). **Applied**, *In re Selectmove Ltd.* [1995] 1 W.L.R. 474, C.A.
- Footman Bower & Co. Ltd., *In re* [1961] Ch. 443, 449; [1961] 2 W.L.R. 667; [1961] 2 All E.R. 161. **Dictum of Buckley J. applied**, *Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council* [1994] 4 All E.R. 972
- Foster v. British Gas Plc. (Case C-188/89) [1991] I.C.R. 84; [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1990] 3 All E.R. 897, E.C.J.; [1991] I.C.R. 436; [1991] 2 A.C. 306; [1991] 2 W.L.R. 1075; [1991] 2 All E.R. 705, H.L.(E.). **Applied**, *National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School* [1995] I.C.R. 317, E.A.T.
- Foster v. South Glamorgan Health Authority [1988] I.C.R. 526, E.A.T. **Distinguished**, *Setiya v. South East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.
- Foulsham v. Pickles [1925] A.C. 458; 9 T.C. 261, H.L.(E.). **Followed**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Francovich v. Italian Republic (Case C-60) [1995] I.C.R. 722; [1991] E.C.R. I-5357, E.C.J. **Considered**, *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889, C.A.
- Fry v. Shiels' Trustees (1914) 6 T.C. 583. **Considered**, *Koenigsberger v. Mellor* (1995) T.C. Leaflet No. 3438, C.A.
- Furniss v. Dawson [1984] A.C. 474; [1984] 2 W.L.R. 226; [1984] 1 All E.R. 530; 55 T.C. 324, H.L.(E.). **Considered**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.; *Pigott v. Staines Investments Ltd.* (1995) T.C. Leaflet No. 3426
- Garland v. British Rail Engineering Ltd. [1983] 2 A.C. 751; [1982] 2 W.L.R. 918; [1982] 2 All E.R. 402, H.L.(E.). **Applied**, *Ken Lane Transport Ltd. v. North Yorkshire County Council* [1995] 1 W.L.R. 1416, D.C.
- Garnac Grain Co. Inc. v. H.M.F. Faure & Fairclough Ltd. (Note) [1968] A.C. 1130; [1967] 3 W.L.R. 143; [1967] 2 All E.R. 353, H.L.(E.). **Applied**, *Yasuda Fire & Marine Insurance Co. of Europe Ltd. v. Orion Marine Insurance Underwriting Agency Ltd.* [1995] Q.B. 174; [1995] 2 W.L.R. 49
- Gascoigne v. Gascoigne [1918] 1 K.B. 223, D.C. **Considered**, *Tribe v. Tribe* [1995] 3 W.L.R. 913, C.A.
- Gateshead Union v. Durham County Council [1918] 1 Ch. 146, 167, C.A. **Dictum of Scrutton L.J. disapproved**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Gebr. Van Weelde Scheepvaartkantoor B.V. v. Compania Naviera Sea Orient S.A. [1985] 2 Lloyd's Rep. 496, 509. **Dictum of Evans J. applied**, *In re Selectmove Ltd.* [1995] 1 W.L.R. 474, C.A.
- Geddis v. Proprietors of Bann Reservoir (1878) 3 App.Cas. 430, H.L.(I.). **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- General Cleaning Contractors Ltd. v. Christmas [1953] A.C. 180; [1953] 2 W.L.R. 6; [1952] 2 All E.R. 1110, H.L.(E.). **Considered**, *King v. Smith* [1995] I.C.R. 339, C.A.
- General Tire & Rubber Co. v. Firestone Tyre & Rubber Co. Ltd. [1975] 1 W.L.R. 819, 836; [1975] 2 All E.R. 173, H.L.(E.). **Dictum of Lord Wilberforce applied**, *Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council* [1994] 4 All E.R. 972
- Gentle v. Faulkner [1900] 2 Q.B. 267, C.A. **Distinguished**, *Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd.* [1995] 3 W.L.R. 558
- Getty Oil Co. v. Steele [1990] S.T.C. 434; 63 T.C. 376. **Distinguished**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Gillick v. B.P. Chemicals Ltd. [1993] I.R.L.R. 437, E.A.T. **Followed**, *Drinkwater Sabey Ltd. v. Burnett* [1995] I.C.R. 328, E.A.T.
- Gillick v. West Norfolk and Wisbech Area Health Authority [1986] A.C. 112; [1985] 3 W.L.R. 830; [1985] 3 All E.R. 402, H.L.(E.). **Applied**, *In re S. (Hospital Patient: Court's Jurisdiction)* [1995] 3 W.L.R. 78
- Gillingham Borough Council v. Medway (Chatham) Dock Co. Ltd. [1993] Q.B. 343; [1992] 3 W.L.R. 449; [1992] 3 All E.R. 923. **Considered**, *Wheeler v. J.J. Saunders Ltd.* [1995] 3 W.L.R. 466, C.A.
- Gissing v. Gissing [1971] A.C. 886; [1970] 3 W.L.R. 255; [1970] 2 All E.R. 780, H.L.(E.). **Applied**, *Midland Bank Plc. v. Cooke* [1995] 4 All E.R. 562, C.A.
- Glegg v. Bromley [1912] 3 K.B. 474, C.A. **Applied**, *Groewood Holdings Plc. v. James Capel & Co. Ltd.* [1995] Ch. 80; [1995] 2 W.L.R. 70
- Glenfruin, The (1885) 10 P.D. 103. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134
- Goby v. Wetherill [1915] 2 K.B. 674, D.C. **Applied**, *In re Osman (Practice Note)* [1995] 1 W.L.R. 1327
- Godwin, *Ex parte* [1992] Q.B. 190; [1991] 3 W.L.R. 689; [1991] 3 All E.R. 818, C.A. **Applied**, *Ex parte Crook* [1995] 1 W.L.R. 139, C.A.

- Gold v. Essex County Council [1942] 2 K.B. 293, C.A. **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Golden Chemical Products Ltd., *In re* [1976] Ch. 300; [1976] 3 W.L.R. 1; [1976] 2 All E.R. 543. **Considered**, *In re A Company (No. 007923 of 1994)* [1995] 1 W.L.R. 953, C.A.
- Goodman v. J. Eban Ltd. [1954] 1 Q.B. 550; [1954] 2 W.L.R. 581; [1954] 1 All E.R. 763, C.A. **Considered**, *Firstpost Homes Ltd. v. Johnson* [1995] 1 W.L.R. 1567, C.A.
- Grant v. Edwards [1986] Ch. 638; [1986] 3 W.L.R. 114; [1986] 2 All E.R. 426, C.A. **Applied**, *Midland Bank Plc. v. Cooke* [1995] 4 All E.R. 562, C.A.
- Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd. [1994] 1 W.L.R. 992; [1994] 3 All E.R. 897, C.A. **Decision of the Court of Appeal reversed** [1995] 3 W.L.R. 854, H.L.(E.)
- Great Atlantic Insurance Co. v. Home Insurance Co. [1981] 1 W.L.R. 529, 534-535; [1981] 2 All E.R. 485, C.A. **Dictum of Templeman L.J. applied**, *International Business Machines Corp. v. Phoenix International (Computers) Ltd.* [1995] 1 All E.R. 413. **Distinguished**, *G.E. Capital Corporate Finance Group Ltd. v. Bankers Trust Co.* [1995] 1 W.L.R. 172, C.A.
- Greenway-Stanley v. Paterson [1977] 2 All E.R. 663, D.C. **Distinguished**, *Absalom v. Gillett* [1995] 1 W.L.R. 128, D.C.
- Grey v. Ellison (1856) 1 Giff. 438; 65 E.R. 990. **Applied**, *Ingram v. Inland Revenue Comrs.* [1995] 4 All E.R. 334
- Grice v. Dudley Corp'n. [1958] Ch. 329, 344; [1957] 3 W.L.R. 314; [1957] 2 All E.R. 673. **Dicta of Upjohn J. considered**, *Mid Glamorgan County Council v. Ogwr Borough Council* [1995] 1 W.L.R. 313, H.L.(E.)
- Groves v. Wimborne (Lord) [1898] 2 Q.B. 402, C.A. **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Guaranty Trust Co. of New York v. Hannay & Co. [1915] 2 K.B. 536, C.A. **Considered**, *In re S. (Hospital Patient: Court's Jurisdiction)* [1995] Fam. 26; [1995] 2 W.L.R. 38
- Guy v. Churchill (1888) 40 Ch.D. 481. **Applied**, *Grovewood Holdings Plc. v. James Capel & Co. Ltd.* [1995] Ch. 80; [1995] 2 W.L.R. 70
- H.T.V. Ltd. v. Price Commission [1976] I.C.R. 170, C.A. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Unilever Plc.* (1994) T.C. Leaflet No. 3411
- Hall & Co. Ltd. v. Shoreham-by-Sea Urban District Council [1964] 1 W.L.R. 240; [1964] 1 All E.R. 1, C.A. **Considered**, *Tesco Stores Ltd. v. Secretary of State for the Environment* [1995] 1 W.L.R. 759, H.L.(E.)
- Hamblett v. Godfrey [1987] 1 W.L.R. 357; [1987] 1 All E.R. 916; 59 T.C. 694, C.A. **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Hamilton v. Watson (1845) 12 C. & F. 109, H.L.(Sc.). **Considered**, *Levett v. Barclays Bank Plc.* [1995] 1 W.L.R. 1260
- Hammersmith and Fulham London Borough Council v. Monk (1990) 89 L.G.R. 357, C.A.; [1992] 1 A.C. 478; [1991] 3 W.L.R. 1144; [1992] 1 All E.R. 1; 90 L.G.R. 38, H.L.(E.). **Applied**, *Crawley Borough Council v. Ure* [1995] 3 W.L.R. 95, C.A.
- Hampshire County Council v. Milburn [1991] 1 A.C. 325; [1990] 2 W.L.R. 1240; [1990] 2 All E.R. 257, H.L.(E.). **Applied**, *Mid-Glamorgan County Council v. Ogwr Borough Council* [1995] 1 W.L.R. 313, H.L.(E.)
- Hampshire Land Co., *In re* [1896] 2 Ch. 743. **Applied**, *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
- Handelskwekerij G.J. Bier B.V. v. Mines de Potasse d'Alsace S.A. (Case 21/76) [1978] Q.B. 708; [1977] 3 W.L.R. 479, E.C.J. **Applied**, *Shevill v. Presse Alliance S.A. (Case C-68/93)* [1995] 2 A.C. 18; [1995] 2 W.L.R. 499, E.C.J.
- Hankey v. Clavering [1942] 2 K.B. 326; [1942] 2 All E.R. 311, C.A. **Applied**, *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.* [1995] 1 W.L.R. 1508, C.A.
- Haoucher v. Ministry of State for Immigration and Ethnic Affairs (1990) 93 A.L.R. 51, 52. **Dicta of Deane J. considered**, *R. v. Devon County Council, Ex parte Baker* [1995] 1 All E.R. 73, C.A.
- Harbottle (R.D.) (Mercantile) Ltd. v. National Westminster Bank Ltd. [1978] Q.B. 146; [1977] 3 W.L.R. 752; [1977] 2 All E.R. 862. **Applied**, *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
- Harris v. Sheffield United Football Club Ltd. [1988] Q.B. 77; [1987] 3 W.L.R. 305; [1987] 2 All E.R. 838, C.A. **Applied**, *R. v. Chief Constable of Sussex, Ex parte International Trader's Ferry Ltd.* [1995] 3 W.L.R. 802, D.C.
- Harrods (Buenos Aires) Ltd., *In re* [1992] Ch. 72; [1991] 3 W.L.R. 397; [1991] 4 All E.R. 334, C.A. **Applied**, *Société Commerciale de Réassurance v. Eras International Ltd. (No. 2)* [1995] 2 All E.R. 278
- Hart v. Briscoe [1979] Ch. 1; [1978] 2 W.L.R. 832; [1978] 1 All E.R. 791; 52 T.C. 53. **Considered**, *Swires v. Renton* (1991) 64 T.C. 315
- Hassneh Insurance Co. of Israel v. Mew [1993] 2 Lloyd's Rep. 243. **Considered**, *Insurance Co. v. Lloyd's Syndicate* [1995] 1 Lloyd's Rep. 272

- Hayes v. Director of Public Prosecutions [1994] R.T.R. 163, D.C. **Applied**, *Director of Public Prosecutions v. Garrett* [1995] R.T.R. 302, D.C.
- Hazell v. Hammersmith and Fulham London Borough Council [1990] 2 Q.B. 697; [1990] 2 W.L.R. 1038; [1990] 3 All E.R. 33; 88 L.G.R. 433, C.A. **Considered**, *Crédit Suisse v. Allerdale Borough Council* [1995] 1 Lloyd's Rep. 315
- Hazell v. Hammersmith and Fulham London Borough Council [1992] 2 A.C. 1; [1991] 2 W.L.R. 372; [1991] 1 All E.R. 545; 89 L.G.R. 271, H.L.(E.). **Considered**, *Morgan Grenfell & Co. Ltd. v. Welwyn Hatfield District Council* [1995] 1 All E.R. 1. **Distinguished**, *U.K. Waste Control Ltd. v. Wren* [1995] I.C.R. 974, E.A.T.
- Hazeltine Corpn. v. British Broadcasting Corpn. [1979] F.S.R. 523. **Explained**, *Baldock v. Addison* [1995] 1 W.L.R. 158
- Hearn v. Rhay (1975) 68 F.R.D. 574, 581. **Considered**, *Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow* [1995] 1 All E.R. 976
- Heatons Transport (St. Helens) Ltd. v. Transport and General Workers' Union [1973] A.C. 15; [1972] 3 W.L.R. 431; [1972] I.C.R. 308; [1972] 3 All E.R. 101, H.L.(E.). **Distinguished**, *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.)
- Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd. [1964] A.C. 465; [1963] 3 W.L.R. 101; [1963] 2 All E.R. 575; [1963] 1 Lloyd's Rep. 485, H.L.(E.). **Applied**, *T. (A Minor) v. Surrey County Council* [1994] 4 All E.R. 577; *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)
- Heer v. Tutton [1995] 1 W.L.R. 1336, C.A. **Distinguished**, *Webster v. Ellison Circlips Group Ltd.* [1995] 1 W.L.R. 1447, C.A.
- Hempell v. W. H. Smith & Sons Ltd. [1986] I.C.R. 365, E.A.T. **Considered**, *Ebac Ltd. v. Wymer* [1995] I.C.R. 466, E.A.T.
- Henderson v. Astwood [1894] A.C. 150, P.C. **Applied**, *Ingram v. Inland Revenue Comrs.* [1995] 4 All E.R. 334
- Henderson v. Merrett Syndicates Ltd. [1995] 2 A.C. 145; [1994] 3 W.L.R. 761; [1994] 3 All E.R. 506, H.L.(E.). **Considered**, *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.); *West Wiltshire District Council v. Garland (Cond. Third Party)* [1995] Ch. 297; [1995] 2 W.L.R. 439, C.A.; *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.); *Aiken v. Stewart Wrightson Members Agency Ltd.* [1995] 1 W.L.R. 1281
- Herdman v. Inland Revenue Comrs. (1967) 45 T.C. 394. **Distinguished**, *Inland Revenue Comrs. v. Willoughby* (1994) T.C. Leaflet No. 3428, C.A.
- Hereford and Worcester County Council v. S. [1993] 2 F.L.R. 360. **Not followed**, *In re M. (A Minor) (Secure Accommodation Order)* [1995] Fam. 108; [1995] 2 W.L.R. 302, C.A.
- Hetherington, decd., *In re* [1990] Ch. 1; [1989] 2 W.L.R. 1094; [1989] 2 All E.R. 129. **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Ku* [1995] Q.B. 364; [1995] 2 W.L.R. 589, C.A.
- Heyman v. Darwins Ltd. [1942] A.C. 356; [1942] 1 All E.R. 337, H.L.(E.). **Applied**, *Yasuda Fire & Marine Insurance Co. of Europe Ltd. v. Orion Marine Insurance Underwriting Agency Ltd.* [1995] Q.B. 174; [1995] 2 W.L.R. 49
- Hill v. Archbold [1968] 1 Q.B. 686, 694-695; [1967] 3 W.L.R. 1218; [1967] 3 All E.R. 110, C.A. **Dicta of Lord Denning M.R. applied**, *McFarlane v. E.E. Caledonia Ltd. (No. 2)* [1995] 1 W.L.R. 366
- Hill v. Chief Constable of West Yorkshire [1989] A.C. 53; [1988] 2 W.L.R. 1049; [1988] 2 All E.R. 238, H.L.(E.). **Applied**, *Elguzouli-Daf v. Comr. of Police of the Metropolis* [1995] Q.B. 335; [1995] 2 W.L.R. 173, C.A.; *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Hispanica de Petroleos S.A. v. Vencedora Oceanica Navegacion S.A. [1986] 1 Lloyd's Rep. 211, Leggatt J. and C.A. **Considered**, *Continental Fertilizer Co. Ltd. v. Pionier Shipping C.V.* [1995] 1 Lloyd's Rep. 223
- Hobbs v. Marlowe [1978] A.C. 16; [1977] 2 W.L.R. 777; [1977] 2 All E.R. 241; [1977] R.T.R. 253, C.A. and H.L.(E.). **Considered**, *Afzal v. Ford Motors Co. Ltd.* [1994] 4 All E.R. 720, C.A.
- Hobson v. Gorrington [1897] 1 Ch. 182, C.A. **Applied**, *Melluish v. B.M.I. (No. 3) Ltd.* [1995] 3 W.L.R. 630, H.L.(E.)
- Hochstrasser v. Mayes [1960] A.C. 376; [1960] 2 W.L.R. 63; [1959] 3 All E.R. 817, H.L.(E.). **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Holmes v. Holmes [1989] Fam. 47; [1989] 3 W.L.R. 302; [1989] 3 All E.R. 786, C.A. **Considered**, *Hewitson v. Hewitson* [1995] Fam. 100; [1995] 2 W.L.R. 287, C.A.
- Hopes v. Hopes [1949] P. 227. **Considered**, *Holmes v. Mitchell* (1990) 63 T.C. 718
- House of Spring Gardens Ltd. v. Waite [1991] 1 Q.B. 241; [1990] 3 W.L.R. 347; [1990] 2 All E.R. 990, C.A. **Applied**, *Owens Bank Ltd. v. Etoile Commerciale S.A.* [1995] 1 W.L.R. 44, P.C.
- Howe v. David Brown Tractors (Retail) Ltd. [1991] 4 All E.R. 30, C.A. **Followed**, *Walkin v. South Manchester Health Authority* [1995] 1 W.L.R. 1543, C.A.

- Hughes v. Doncaster Metropolitan Borough Council** [1991] 1 A.C. 382; [1991] 2 W.L.R. 16; [1991] 1 All E.R. 295, H.L.(E.). **Considered**, *Director of Buildings and Lands v. Shun Fung Ironworks Ltd.* [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- Hui Chi-ming v. The Queen** [1992] 1 A.C. 34; [1991] 3 W.L.R. 495; [1991] 3 All E.R. 897; 94 Cr.App.R. 236, P.C. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- Hunter v. Chief Constable of the West Midlands Police** [1982] A.C. 529, 536; [1981] 3 W.L.R. 906; [1981] 3 All E.R. 727, H.L.(E.). **Applied**, *Brinks Ltd. v. Abu-Saleh* [1995] 1 W.L.R. 1478; *Smith v. Linskills* [1995] 3 All E.R. 226. **Dictum of Lord Diplock applied**, *Owens Bank Ltd. v. Etoile Commerciale S.A.* [1995] 1 W.L.R. 44, P.C.
- Hydrotherm Gerätebau G.m.b.H v. Compact del Dott. Ing. Mario Andreoli & C. s.a.s.** (Case 170/83) [1984] E.C.R. 2999, E.C.J. **Applied**, *Viho Europe B.V. v. Commission of the European Communities (Case T-102/92)* [1995] I.C.R. 1051, E.C.J.
- Iceland Frozen Foods Ltd. v. Jones** [1983] I.C.R. 17, E.A.T. **Applied**, *Duffy v. Yeomans & Partners Ltd.* [1995] I.C.R. 1, C.A.
- Imperial Chemical Industries Ltd. v. Commission of the European Communities (Case 48/69)** [1972] E.C.R. 619, E.C.J. **Applied**, *Viho Europe B.V. v. Commission of the European Communities (Case T-102/92)* [1995] I.C.R. 1051, C.F.I.
- Inland Revenue Comrs. v. Burmah Oil Co. Ltd.** [1982] S.T.C. 30; 54 T.C. 200, Ct. of Sess. and H.L.(Sc.). **Considered**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Inland Revenue Comrs. v. Butterley Co. Ltd.** [1957] A.C. 32; [1956] 2 W.L.R. 1101; [1956] 2 All E.R. 197, H.L.(E.). **Considered**, *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3429
- Inland Revenue Comrs. v. Emery (John) & Sons** (1935) 20 T.C. 213. **Considered**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1994) T.C. Leaflet No. 3422
- Inland Revenue Comrs. v. Eurocopy Plc.** [1991] S.T.C. 707. **Distinguished**, *Inland Revenue Comrs. v. Reed International Plc.* (1995) T.C. Leaflet No. 3447
- Inland Revenue Comrs. v. Fitzwilliam** [1993] 1 W.L.R. 1189; [1993] 3 All E.R. 184, H.L.(E.). **Considered**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Inland Revenue Comrs. v. Morrison** (1932) 17 T.C. 325. **Considered**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1994) T.C. Leaflet No. 3422
- Inland Revenue Comrs. v. Scottish & Newcastle Breweries Ltd.** [1982] 1 W.L.R. 322; [1982] 2 All E.R. 230; 55 T.C. 252, H.L.(Sc.). **Considered**, *Gray v. Seymours Garden Centre (Horticulture)* (1995) T.C. Leaflet No. 3443, C.A.
- Institute of Patent Agents v. Lockwood** [1894] A.C. 347, 360, H.L.(Sc.). **Dictum of Lord Herschell L.C. applied**, *R. v. Moore (Deborah)* [1995] Q.B. 353; [1995] 2 W.L.R. 728, C.A.
- Interfoto Picture Library Ltd. v. Stiletto Visual Programmes Ltd.** [1989] Q.B. 433; [1988] 2 W.L.R. 615; [1988] 1 All E.R. 348, C.A. **Distinguished**, *Nutting v. Baldwin* [1995] 1 W.L.R. 201
- International Tin Council, In re** [1989] Ch. 309; [1988] 3 W.L.R. 1159; [1988] 3 All E.R. 257, C.A. **Considered**, *Westland Helicopters Ltd. v. Arab Organisation for Industrialisation* [1995] Q.B. 282; [1995] 2 W.L.R. 126
- Iron and Steel Holding and Realisation Agency v. Compensation Appeal Tribunal** [1966] 1 W.L.R. 480; [1966] 1 All E.R. 769, D.C. **Considered**, *Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.* [1995] Q.B. 375; [1995] 2 W.L.R. 607, C.A.
- Jaffray v. Marshall** [1993] 1 W.L.R. 1285; [1994] 1 All E.R. 143. **Overruled**, *Target Holdings Ltd. v. Redfern* [1995] 3 W.L.R. 352, H.L.(E.)
- Johnson, In re** (1887) 20 Q.B.D. 68, C.A. **Applied**, *Connolly v. Dale* [1995] 3 W.L.R. 786, D.C.
- Johnson v. Chief Adjudication Officer (Case C-410/92)** [1995] I.C.R. 375, E.C.J. **Considered**, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.
- Jones, In re; Jones v. Cusack-Smith** [1931] 1 Ch. 375. **Applied**, *Crawley Borough Council v. Ure* [1995] 3 W.L.R. 95, C.A.
- Jones v. Carter** (1846) 15 M. & W. 718. **Dicta of Parke B. applied**, *G.S. Fashions Ltd. v. B. & Q. Plc.* [1995] 1 W.L.R. 1088
- Jones v. National Coal Board** [1957] 2 Q.B. 55; [1957] 2 W.L.R. 760; [1957] 2 All E.R. 155, C.A. **Applied**, *In re R. (A Minor) (Consent Order: Appeal)* [1995] 1 W.L.R. 184, C.A.
- Jones v. Swansea City Council** [1990] 1 W.L.R. 54, 70-71; [1989] 3 All E.R. 162, C.A. **Dictum of Slade L.J. applied**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488
- Jones & Lee v. Miah & Miah** (1992) 24 H.L.R. 578, 586, C.A. **Dicta of Dillon L.J. doubted**, *Sampson v. Wilson* [1995] 3 W.L.R. 455, C.A.
- K. (Infants), In re** [1965] A.C. 201; [1963] 3 W.L.R. 408; [1963] 3 All E.R. 191, H.L.(E.). **Considered**, *In re D. (Minors) (Adoption Reports: Confidentiality)* [1995] 3 W.L.R. 483, H.L.(E.)
- Kafiristan, The** (1937) 58 Ll.L.Rep. 317. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134

- Kalfelis v. Schröder Münchmeyer Hengst & Co. (Case 189/87) [1988] E.C.R. 5565. **Considered**, *Qingdao Ocean Shipping Co. v. Grace Shipping Establishment* [1995] 2 Lloyd's Rep. 15
- Kenlin v. Gardner [1967] 2 Q.B. 510; [1967] 2 W.L.R. 129; [1966] 3 All E.R. 931, D.C. **Considered**, *Dawes v. Director of Public Prosecutions* [1995] 1 Cr.App.R. 65, D.C.
- Kent County Council v. K. [1994] 1 W.L.R. 912; [1994] 3 All E.R. 230. **Considered**, *Cleveland County Council v. F.* [1995] 1 W.L.R. 785
- Kerrier District Council v. Secretary of State for the Environment (1980) 41 P. & C.R. 284, D.C. **Overruled**, *Handoll v. Warner Goodman & Streat* (1994) 93 L.G.R. 293, C.A.
- Khorasandjian v. Bush [1993] Q.B. 727; [1993] 3 W.L.R. 476; [1993] 3 All E.R. 669, C.A. **Considered**, *Burris v. Azadani* [1995] 1 W.L.R. 1372, C.A.
- Kildrummy (Jersey) Ltd. v. Inland Revenue Comrs. [1900] S.T.C. 657. **Followed**, *Ingram v. Inland Revenue Comrs.* [1995] 4 All E.R. 334
- King v. Phillips [1953] 1 Q.B. 429; [1953] 2 W.L.R. 526; [1953] 1 All E.R. 617, C.A. **Considered**, *Page v. Smith* [1995] 2 W.L.R. 644, H.L.(E.)
- Kirkness v. John Hudson & Co. Ltd. [1955] A.C. 696; [1955] 2 W.L.R. 1135; [1955] 2 All E.R. 345, H.L.(E.). **Considered**, *N.A.P. Holdings U.K. Ltd. v. Whittles* (1994) T.C. Leaflet No. 3415, H.L.(E.)
- Kitchen v. Royal Air Force Association [1958] 1 W.L.R. 563; [1958] 3 All E.R. 241, C.A. **Considered**, *Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd.* [1995] 2 W.L.R. 570, H.L.(E.)
- Kleinwort Benson Ltd. v. South Tynside Metropolitan Borough Council [1994] 4 All E.R. 972, 984. **Dictum of Hobhouse J. applied**, *South Tynside Metropolitan Borough Council v. Svenska International Plc.* [1995] 1 All E.R. 545
- Koningin Juliana, The [1975] 2 Lloyd's Rep. 111, H.L.(E.). **Applied**, *The Devotion and Golden Polydinos* [1995] 1 Lloyd's Rep. 589, C.A.
- Kuwait Airways Corp'n. v. Iraqi Airways Co. [1995] 1 Lloyd's Rep. 25, C.A. **Order of the Court of Appeal varied** [1995] 1 W.L.R. 1147, H.L.(E.)
- Kuwait Asia Bank E.C. v. National Mutual Life Nominees Ltd. [1991] 1 A.C. 187, 221–223; [1990] 3 W.L.R. 297; [1990] 3 All E.R. 404, P.C. **Dicta of Lord Lowry not followed**, *New Zealand Guardian Trust Co. Ltd. v. Brooks* [1995] 1 W.L.R. 96, P.C.
- Kwok v. Comr. of Estate Duty [1988] 1 W.L.R. 1035, P.C. **Distinguished**, *In re Little Olympian Each Ways Ltd.* [1995] 1 W.L.R. 560
- Lacey (William) (Hounslow) Ltd. v. Davis [1957] 1 W.L.R. 932; [1957] 2 All E.R. 712. **Distinguished**, *Regalian Properties Plc. v. London Docklands Development Corp'n.* [1995] 1 W.L.R. 212
- Ladd v. Marshall [1954] 1 W.L.R. 1489; [1954] 3 All E.R. 745, C.A. **Applied**, *The Devotion and Golden Polydinos* [1995] 1 Lloyd's Rep. 589, C.A.
- Laidler v. Perry [1966] A.C. 16; [1965] 2 W.L.R. 1172; [1965] 2 All E.R. 121; 42 T.C. 351, H.L.(E.). **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Laker Airways Ltd. v. Department of Trade [1977] Q.B. 643; [1977] 2 W.L.R. 234; [1977] 2 All E.R. 182, C.A. **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Fire Brigades Union* [1995] 2 A.C. 513; [1995] 2 W.L.R. 1, C.A.
- Laomedon, The (1925) 23 Ll.L.Rep. 230. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134
- Lapford (Devon) Parish Church, *In re* [1955] P. 205; [1954] 3 W.L.R. 748; [1954] 3 All E.R. 484, Arches Ct. **Considered**, *In re St. Thomas, Pennywell* [1995] Fam. 50; [1995] 2 W.L.R. 154
- Lauritzen (J.) A.S. v. Wijsmuller B.V. [1990] 1 Lloyd's Rep. 1, C.A. **Applied**, *Gamerco S.A. v. I.C.M./Fair Warning (Agency) Ltd.* [1995] 1 W.L.R. 1226
- Lawson v. Johnson Matthey Plc. [1992] 2 A.C. 324; [1992] 2 W.L.R. 826; [1992] 2 All E.R. 647; T.C. Leaflet No. 3319, H.L.(E.). **Distinguished**, *Stone & Temple Ltd. v. Waters* (1994) T.C. Leaflet No. 3416
- Leathley v. Tatton [1980] R.T.R. 21, D.C. **Considered**, *Stinton v. Stinton* [1995] R.T.R. 167, C.A.
- Lee-Verhulst (Investments) Ltd. v. Harwood Trust [1973] Q.B. 204; [1972] 3 W.L.R. 772; [1972] 3 All E.R. 619, C.A. **Disapproved**, *Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd.* [1995] 3 W.L.R. 854, H.L.(E.)
- Leech v. Deputy Governor of Parkhurst Prison [1988] A.C. 533; [1988] 2 W.L.R. 290; [1988] 1 All E.R. 485, H.L.(E.). **Applied**, *Secretary of State for the Home Department v. Robb* [1995] Fam. 127; [1995] 2 W.L.R. 722
- Leedale v. Lewis [1982] 1 W.L.R. 1319; [1982] 3 All E.R. 808; 56 T.C. 501, H.L.(E.). **Considered**, *Jones v. Lincoln-Lewis* (1991) 64 T.C. 112
- Leeds Industrial Co-operative Society Ltd. v. Slack [1924] A.C. 851, H.L.(E.). **Applied**, *Jaggard v. Sawyer* [1995] 1 W.L.R. 269, C.A.
- Lehrer v. Gordon (1964) 7 W.I.R. 247. **Approved**, *Ho Young v. Bess* [1995] 1 W.L.R. 350, P.C.
- Leicester City Council v. Aldwinckle (1991) 24 H.L.R. 40. **Applied**, *Hammersmith and Fulham London Borough Council v. Hill* (1994) 92 L.G.R. 665, C.A.

- Leigh v. Gladstone (1909) 26 T.L.R. 139. **Distinguished**, *Secretary of State for the Home Department v. Robb* [1995] Fam. 127; [1995] 2 W.L.R. 722
- Leisure Study Group Ltd., *In re* [1994] 2 B.C.L.C. 65. **Applied**, *In re Bradley-Hole (A Bankrupt)* [1995] 1 W.L.R. 1097
- Leith Properties Ltd. v. Byrne [1983] Q.B. 433; [1983] 2 W.L.R. 67; [1982] 3 All E.R. 731, C.A. **Considered**, *Keepers and Governors of the Possessions Revenues and Goods of the Free Grammar School of John Lyon v. James* [1995] 3 W.L.R. 908, C.A.
- Lennard's Carrying Co. Ltd. v. Asiatic Petroleum Co. Ltd. [1915] A.C. 705, 713, H.L.(E.). **Dictum of Viscount Haldane L.C. explained**, *Meridian Global Funds Management Asia Ltd. v. Securities Commission* [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.
- Lep Air Services Ltd. v. Rolloswin Investments Ltd. [1973] A.C. 331; [1972] 2 W.L.R. 1175; [1972] 2 All E.R. 393, H.L.(E.). **Considered**, *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)
- Leslie (J.) Engineers Co. Ltd., *In re* [1976] 1 W.L.R. 292; [1976] 2 All E.R. 85. **Applied**, *In re Barn Crown Ltd.* [1995] 1 W.L.R. 147
- Lever Finance Ltd. v. Needleman's Trustee [1956] Ch. 375; [1956] 3 W.L.R. 72; [1956] 2 All E.R. 378. **Distinguished**, *Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd.* [1995] 3 W.L.R. 558
- Lewis v. Chief Constable of the South Wales Constabulary [1991] 1 All E.R. 206, 210, C.A. **Dictum of Balcombe L.J. applied**, *Dawes v. Director of Public Prosecutions* [1995] 1 Cr.App.R. 65, D.C.
- Lewis v. Cox [1985] Q.B. 509; [1984] 3 W.L.R. 875; [1984] 3 All E.R. 672, D.C. **Applied**, *Connolly v. Dale* [1995] 3 W.L.R. 786, D.C.
- Leyland DAF Ltd., *In re* [1995] 2 W.L.R. 312; [1994] 4 All E.R. 300. **Decision of Lightman J. varied** sub nom. *Powdrill v. Watson* [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] I.C.R. 1100; [1995] 2 All E.R. 65, H.L.(E.)
- Liangsirprasert (Somchai) v. Government of the United States of America [1991] 1 A.C. 225; [1990] 3 W.L.R. 606; [1990] 2 All E.R. 866; 92 Cr.App.R. 77, P.C. **Applied**, *R. v. Latif* [1995] 1 Cr.App.R. 270, C.A.
- Liberia (Republic of) v. Gulf Oceanic Inc. [1985] 1 Lloyd's Rep. 539, C.A. **Applied**, *Balkanbank v. Taher (No. 2)* [1995] 1 W.L.R. 1067, C.A.
- Libra Shipping and Trading Corp'n. Ltd. v. Northern Sales Ltd. [1981] 1 Lloyd's Rep. 273, C.A. **Applied**, *Swiss Bank Corp'n. v. Novorossiysk Shipping Co.* [1995] 1 Lloyd's Rep. 202
- Lillicrap v. Nalder & Son [1993] 1 W.L.R. 94, 99, 101, 103; [1993] 1 All E.R. 724, C.A. **Dicta of Dillon, Russell and Farquharson L.JJ. applied**, *Nederlandse Reassurantie Groep Holding N.V. v. Bacon & Woodrow* [1995] 1 All E.R. 976
- Linden Gardens Trust Ltd. v. Lenesta Sludge Disposals Ltd. [1994] A.C. 85; [1993] 3 W.L.R. 408; [1993] 3 All E.R. 417, H.L.(E.). **Applied**, *Darlington Borough Council v. Wiltshier Northern Ltd.* [1995] 1 W.L.R. 68, C.A.
- Line v. Warren (1885) 14 Q.B.D. 548, C.A. **Applied**, *Absalom v. Gillett* [1995] 1 W.L.R. 128, D.C.
- Lipkin Gorman v. Karpnale Ltd. [1991] 2 A.C. 548, 578; [1991] 3 W.L.R. 10; [1992] 4 All E.R. 512, H.L.(E.). **Dictum of Lord Goff of Chieveley applied**, *Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council* [1994] 4 All E.R. 972; **Considered**, *South Tyneside Metropolitan Borough Council v. Svenska International Plc.* [1995] 1 All E.R. 545
- Lister v. Forth Dry Dock & Engineering Co. Ltd. [1990] 1 A.C. 546; [1989] 2 W.L.R. 634; [1989] 1 All E.R. 1134, H.L.(Sc.). **Applied**, *Ken Lane Transport Ltd. v. North Yorkshire County Council* [1995] 1 W.L.R. 1416, D.C.
- Littrell v. United States of America [1992] 3 All E.R. 218. **Disapproved**, *Littrell v. United States of America (No. 2)* [1995] 1 W.L.R. 82, C.A.
- Liverpool and London and Globe Insurance Co. v. Bennett [1913] A.C. 610; 6 T.C. 327, H.L.(E.). **Considered**, *Nuclear Electricity Plc. v. Bradley* (1995) T.C. Leaflet No. 3429
- Lloyd's v. Harper (1880) 16 Ch.D. 290, C.A. **Applied**, *Darlington Borough Council v. Wiltshier Northern Ltd.* [1995] 1 W.L.R. 68, C.A.
- Lockley v. National Blood Transfusion Service [1992] 1 W.L.R. 492, 496-497; [1992] 2 All E.R. 589, C.A. **Dictum of Scott L.J. applied**, *Brookes v. Harris* [1995] 1 W.L.R. 918
- London and Thames Haven Oil Wharves Ltd. v. Attwooll [1967] Ch. 772; [1967] 2 W.L.R. 743; [1967] 2 All E.R. 124; [1967] 1 Lloyd's Rep. 204; 43 T.C. 491, C.A. **Followed**, *Deeny v. Gooda Walker Ltd.* (1995) T.C. Leaflet No. 3430
- Lonrho Ltd. v. Shell Petroleum Co. Ltd. (No. 2) [1982] A.C. 173, 185; [1981] 3 W.L.R. 33; [1981] 2 All E.R. 456, H.L.(E.). **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.). **Dictum of Lord Diplock applied**, *Richardson v. Pitt-Stanley* [1995] Q.B. 123; [1995] 2 W.L.R. 26; [1995] I.C.R. 303, C.A.
- Lord Advocate v. Gibb (1906) 5 T.C. 194. **Distinguished**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1994) T.C. Leaflet No. 3422

- Ludlow v. Burgess (1971) 75 Cr.App.R. 227. **Considered**, *Dawes v. Director of Public Prosecutions* [1995] 1 Cr.App.R. 65, D.C.
- Lurcott v. Wakeley [1911] 1 K.B. 905, C.A. **Considered**, *Crédit Suisse v. Beegas Nominees Ltd.* [1994] 4 All E.R. 803
- M. v. Birmingham City Council [1994] 2 F.L.R. 141. **Considered**, *In re M. (A Minor) (Secure Accommodation Order)* [1995] Fam. 108; [1995] 2 W.L.R. 302, C.A.
- M. (A Minor) v. Newham London Borough Council [1995] 2 A.C. 633; [1994] 2 W.L.R. 554; [1994] 4 All E.R. 602, C.A. **Decision of the Court of Appeal affirmed**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- M. (An Infant) (Adoption: Parental Consent), *In re* [1973] Q.B. 108; [1972] 3 W.L.R. 531; [1972] 3 All E.R. 321, C.A. **Considered**, *In re D. (Minors) (Adoption Orders: Confidentiality)* [1995] 1 W.L.R. 356, C.A.
- M. (Minors) (Adoption), *In re* [1991] F.L.R. 458, C.A. **Distinguished**, *In re B. (Adoption: Jurisdiction to Set Aside)* [1995] Fam. 239; [1995] 3 W.L.R. 40, C.A.
- McArthur & Co. v. Cornwall [1892] A.C. 75, P.C. **Distinguished**, *Inverugie Investments Ltd. v. Hackett* [1995] 1 W.L.R. 713, P.C.
- Macarthy's Ltd. v. Smith (Case 129/79) [1981] Q.B. 180; [1980] 3 W.L.R. 929; [1980] I.C.R. 672; [1981] 1 All E.R. 111, E.C.J. **Considered**, *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.
- M'Dougall v. Smith (1918) 7 T.C. 134. **Considered**, *Koenigsberger v. Mellor* (1995) T.C. Leaflet No. 3438, C.A.
- McDowell v. Standard Oil Co. (New Jersey) [1927] A.C. 632, H.L.(E.). **Considered**, *Norweb Plc. v. Dixon* [1995] 1 W.L.R. 636, D.C.
- McFarlane v. E.E. Caledonia Ltd. (No. 2) [1995] 1 W.L.R. 366; [1995] 1 Lloyd's Rep. 535. **Considered**, *Tharros Shipping Co. Ltd. v. Bias Shipping Ltd. (No. 3)* [1995] 1 Lloyd's Rep. 541
- McGovern v. Attorney-General [1982] Ch. 321; [1981] 2 W.L.R. 222; [1981] 3 All E.R. 493. **Applied**, *R. v. Radio Authority, Ex parte Bull* [1995] 3 W.L.R. 572, D.C.
- McGowan & Co. Ltd. v. Dyer (1873) L.R. 8 Q.B. 141, 145. **Dictum of Blackburn J. applied**, *New Zealand Guardian Trust Co. Ltd. v. Brooks* [1995] 1 W.L.R. 96, P.C.
- McGregor v. Adcock [1977] 1 W.L.R. 864; [1977] 3 All E.R. 65; 51 T.C. 692. **Considered**, *Jarmin v. Rawlings* (1994) T.C. Leaflet No. 3414
- McGuinness v. Attorney-General of Victoria (1940) 63 C.L.R. 73, 84. **Dictum of Latham C.J. applied**, *Bethel v. Douglas* [1995] 1 W.L.R. 794, P.C.
- MacKinlay v. Arthur Young McClelland Moores & Co. [1990] 2 A.C. 239; [1989] 3 W.L.R. 1245; [1990] 1 All E.R. 45; T.C. Leaflet No. 3205, H.L.(E.). **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- MacLaine Watson & Co. Ltd. v. International Tin Council (No. 2) [1987] 1 W.L.R. 1711; [1987] 3 All E.R. 886. **Considered**, *Gidrxsline Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.* [1995] 1 W.L.R. 299
- McLardy v. Slateum (1890) 24 Q.B.D. 504, D.C. **Dictum of Pollock B. not followed**, *Brinks Ltd. v. Abu-Saleh* [1995] 1 W.L.R. 1478
- Macleod v. Attorney-General for New South Wales [1891] A.C. 455, P.C. **Applied**, *R. v. Governor of Belmarsh Prison, Ex parte Martin* [1995] 1 W.L.R. 412, D.C.
- McMullen & Sons Ltd. v. Cerrone [1994] 1 B.C.L.C. 152. **Applied**, *In re A Debtor (No. 13A-IO-1995)* [1995] 1 W.L.R. 1127
- Maidman v. Malpas (1794) 1 Hag.Con. 205. **Applied**, *In re St. Edmund's Churchyard, Gateshead* [1995] Fam. 172; [1995] 3 W.L.R. 253
- Mairs v. Haughey (1992) T.C. Leaflet No. 3317. **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Makin v. Watkinson (1870) L.R. 6 Ex. 25. **Distinguished**, *British Telecommunications Plc. v. Sun Life Assurance Society Plc.* [1995] 3 W.L.R. 622, C.A.
- Makin (William) & Sons Ltd., *In re* [1993] O.P.L.R. 171. **Considered**, *In re Drexel Burnham Lambert U.K. Pension Plan* [1995] 1 W.L.R. 32
- Mallalieu v. Drummond [1983] 2 A.C. 861; [1983] 3 W.L.R. 409; [1983] 2 All E.R. 1095; 57 T.C. 330, H.L.(E.). **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- Malone v. Metropolitan Police Comr. [1979] Ch. 344, 377; [1979] 2 W.L.R. 700; [1979] 2 All E.R. 620. **Dictum of Sir Robert Megarry V.-C. applied**, *Hellewell v. Chief Constable of Derbyshire* [1995] 1 W.L.R. 804
- Manchester Corp'n. v. Sugden [1903] 2 K.B. 171, C.A. **Considered**, *Whittles v. Uniholdings Ltd. (No. 2)* (1994) T.C. Leaflet No. 3427
- Manley v. Sartori [1927] 1 Ch. 157, 162. **Dictum of Romer J. applied**, *Popat v. Shonchhatra* [1995] 1 W.L.R. 908

- Manlon Trading Ltd., *In re* [1995] 3 W.L.R. 271; [1995] 1 All E.R. 988. **Decision of Evans-Lombe J. affirmed on different grounds** [1995] 3 W.L.R. 839, C.A.
- Marc Rich & Co. A.G. v. Bishop Rock Marine Co. Ltd. [1994] 1 W.L.R. 1071; [1994] 3 All E.R. 686; [1994] 1 Lloyd's Rep. 492, C.A. **Decision of the Court of Appeal affirmed** [1995] 3 W.L.R. 227, H.L.(E.)
- Marcel v. Comr. of Police of the Metropolis [1992] Ch. 225; [1992] 2 W.L.R. 50; [1992] 1 All E.R. 72, C.A. **Applied**, *Hellewell v. Chief Constable of Derbyshire* [1995] 1 W.L.R. 804
- Marleasing S.A. v. La Comercial Internacional de Alimentación S.A. [1992] C.M.L.R. 305. **Considered**, *Philipp Brothers v. Republic of Sierra Leone* [1995] 1 Lloyd's Rep. 289, C.A.
- Martin v. Mackonochie (1868) L.R. 2 P.C. 365, P.C.; (1869) L.R. 3 P.C. 52, P.C. **Considered**, *In re St. Thomas, Pennywell* [1995] Fam. 50; [1995] 2 W.L.R. 154; *In re St. John the Evangelist, Chopwell* [1995] Fam. 254; [1995] 3 W.L.R. 606
- Martin v. Watson [1994] Q.B. 425; [1994] 2 W.L.R. 500; [1994] 2 All E.R. 606, C.A. **Decision of the Court of Appeal reversed** [1995] 3 W.L.R. 318, H.L.(E.)
- Martin Peters Bauunternehmen G.m.b.H. v. Zuid Nederlandse Aannemers Vereniging (Case 34/82) [1983] E.C.R. 987. **Considered**, *Trade Indemnity Plc. v. Försäkringsaktiebolaget Njord* [1995] 1 All E.R. 796; *Atlas Shipping Agency (U.K.) Ltd. v. Suisse Atlantique Société d'Armement Maritime S.A.* [1995] 2 Lloyd's Rep. 188
- Mason v. Innes [1967] Ch. 1079; [1967] 3 W.L.R. 816; [1967] 2 All E.R. 926; 44 T.C. 326, C.A. **Considered**, *Wain's Executors v. Cameron* (1995) T.C. Leaflet No. 3434
- Massey v. Midland Bank Plc. [1995] 1 All E.R. 929, C.A. **Followed**, *Banco Exterior Internacional v. Mann* [1995] 1 All E.R. 936, C.A.
- Mears v. The Queen [1993] 1 W.L.R. 818, P.C. **Applied**, *Crosdale v. The Queen* [1995] 1 W.L.R. 864, P.C.
- Mediguard Services Ltd. v. Thame [1994] I.C.R. 751, E.A.T. **Followed**, *Methilhill Bowling Club v. Hunter* [1995] I.C.R. 793, E.A.T. **Not approved**, *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 889, C.A.
- Melles & Co. v. Holme [1918] 2 K.B. 100, D.C. **Applied**, *British Telecommunications Plc. v. Sun Life Assurance Society Plc.* [1995] 3 W.L.R. 622, C.A.
- Melluish v. B.M.I. (No. 3) Ltd. [1995] Ch. 90; [1994] 3 W.L.R. 1032, C.A. **Decisions of the Court of Appeal varied** [1995] 3 W.L.R. 630, H.L.(E.)
- Melwood Units Pty. Ltd. v. Comr. of Main Roads [1979] A.C. 426; [1978] 3 W.L.R. 520; [1979] 1 All E.R. 161, P.C. **Considered**, *Director of Buildings and Lands v. Shun Fung Ironworks Ltd.* [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- Mercedes Benz A.G. v. Leiduck [1995] 1 H.K.C. 448. **Decision of the Court of Appeal of Hong Kong affirmed** [1995] 3 W.L.R. 718, P.C.
- Meridian Global Funds Management Asia Ltd. v. Securities Commission [1994] 2 N.Z.L.R. 291. **Decision of the Court of Appeal of New Zealand affirmed** [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, H.L.(E.)
- Metal Scrap Trade Corpn. Ltd. v. Kate Shipping Co. Ltd. [1990] 1 W.L.R. 115; [1990] 1 All E.R. 397, H.L.(E.). **Applied**, *Balkanbank v. Taher (No. 2)* [1995] 1 W.L.R. 1067, C.A.
- Methilhill Bowling Club v. Hunter [1995] I.C.R. 793, E.A.T. **Not followed**, *Biggs v. Somerset County Council* [1995] I.C.R. 811, E.A.T.
- Methodist Conference (President of the) v. Parfitt [1984] I.C.R. 176; [1984] Q.B. 368; [1984] 2 W.L.R. 84; [1985] 2 All E.R. 318, C.A. **Considered**, *Coker v. Diocese of Southwark* [1995] I.C.R. 563, I.T.
- Mid Glamorgan County Council v. Ogwr Borough Council (1993) 92 L.G.R. 244, C.A. **Decision of the Court of Appeal reversed in part** [1995] 1 W.L.R. 313, H.L.(E.)
- Minister of Home Affairs v. Fisher [1980] A.C. 319; [1979] 2 W.L.R. 889; [1979] 3 All E.R. 21, P.C. **Considered**, *Huntley v. Attorney-General for Jamaica* [1995] 2 A.C. 1; [1995] 2 W.L.R. 114, P.C.
- Ministry of Housing and Local Government v. Sharp [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802; [1970] 1 All E.R. 1009, C.A. **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Miranda, The (1872) L.R. 3. A. & E. 561. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134
- Mole Valley District Council v. Smith (1992) 90 L.G.R. 557, C.A. **Considered**, *Waverley Borough Council v. Marney* (1994) 93 L.G.R. 86, C.A.
- Monk v. Warbey [1935] 1 K.B. 75, C.A. **Distinguished**, *Richardson v. Pitt-Stanley* [1995] Q.B. 123; [1995] 2 W.L.R. 26; [1995] I.C.R. 303, C.A.
- Monmouthshire County Council v. Costelloe and Kemple [1965] 5 B.L.R. 83. **Approved**, *Cruden Construction Ltd. v. Commission for the New Towns* [1995] 2 Lloyd's Rep. 387
- Montefiore v. Guedalla [1901] 1 Ch. 435. **Applied**, *In re Dennis (A Bankrupt)* [1995] 3 W.L.R. 367, C.A.

- Moon v. Atherton [1972] 2 Q.B. 435; [1972] 3 W.L.R. 57; [1972] 3 All E.R. 145, C.A. **Considered**, *Bradstock Trustee Services Ltd. v. Nabarro Nathanson* [1995] 1 W.L.R. 1405
- Moroni v. Collo G.m.b.H. (Case C-110/91) [1995] I.C.R. 137, E.C.J. **Considered**, *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.
- Moxon, *In re* [1916] 2 Ch. 595. **Approved**, *In re Duxbury's Settlement Trusts* [1995] 1 W.L.R. 425, C.A.
- Mulholland v. Mitchell [1971] A.C. 666; [1971] 2 W.L.R. 93; [1971] 1 All E.R. 307, H.L.(E.). **Distinguished**, *Deeny v. Gooda Walker Ltd.* [1995] 1 W.L.R. 1206
- Murdoch v. Taylor [1965] A.C. 574, 584; [1965] 2 W.L.R. 425; [1965] 1 All E.R. 406, H.L.(E.). **Dictum of Lord Morris of Borth-y-Gest applied**, *Lobban v. The Queen* [1995] 1 W.L.R. 877, P.C.
- Murphy v. Brentwood District Council [1991] 1 A.C. 398; [1990] 3 W.L.R. 414; [1990] 2 All E.R. 908; [1990] 2 Lloyd's Rep. 467; 89 L.G.R. 24, H.L.(E.). **Considered**, *Losinjaska Plovidba v. Transco Overseas Ltd.* [1995] 2 Lloyd's Rep. 395
- Murphy v. Stone-Wallwork (Charlton) Ltd. [1969] 1 W.L.R. 1023; [1969] 2 All E.R. 949, H.L.(E.). **Distinguished**, *Deeny v. Gooda Walker Ltd.* [1995] 1 W.L.R. 1206
- N.S.H. v. Secretary of State for the Home Department [1988] Imm.A.R. 389, 399, C.A. **Dictum of Neill L.J. disapproved**, *R. v. Secretary of State for the Home Department, Ex parte Chahal* [1995] 1 W.L.R. 526, C.A.
- Nagarajan v. Agnew [1995] I.C.R. 520, E.A.T. **Followed**, *Post Office v. Adekeye* [1995] I.C.R. 541, E.A.T.
- Nant-y-glo and Blaina Ironworks Co. v. Grave (1878) 12 Ch.D. 738. **Distinguished**, *Target Holdings Ltd. v. Redfern* [1995] 3 W.L.R. 352, H.L.(E.)
- National Coal Board v. Ridgway [1987] I.C.R. 641; [1987] 3 All E.R. 582, C.A. **Overruled**, *Associated Newspapers Ltd. v. Wilson* [1995] 2 A.C. 454; [1995] 2 W.L.R. 354, H.L.(E.)
- National Insurance Act 1911, *In re* [1912] 2 Ch. 563. **Considered**, *Coker v. Diocese of Southwark* [1995] I.C.R. 563, I.T.
- National Justice Compania Naviera S.A. v. Prudential Assurance Co. Ltd. [1993] 2 Lloyd's Rep. 68. **Decision of Cresswell J. reversed** [1995] 1 Lloyd's Rep. 455, C.A.
- National Rivers Authority v. Yorkshire Services Ltd. [1994] 3 W.L.R. 1202; [1995] 1 All E.R. 225, H.L.(E.). **Considered**, *Attorney-General's Reference (No. 1 of 1994)* [1995] 1 W.L.R. 599, C.A.
- Nea Agrex S.A. v. Baltic Shipping Co. Ltd. [1976] Q.B. 933; [1976] 2 W.L.R. 925; [1976] 2 All E.R. 842; [1976] 2 Lloyd's Rep. 47, C.A. **Applied**, *Swiss Bank Corp. v. Novorissysk Shipping Co.* [1995] 2 Lloyd's Rep. 202
- Neath v. Hugh Steeper Ltd. (Case C-152/91) [1995] I.C.R. 158, E.C.J. **Applied**, *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.
- Neely v. Rourke [1987] S.T.C. 30. **Applied**, *Nuttall v. Barrett* (1992) 64 T.C. 548
- Neptune, *The* (1824) 1 Hagg. 227. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134
- New Quebrada Co. Ltd. v. Carr (1869) L.R. 4 C.P. 651, 653. **Dictum of Brett J. disapproved**, *Stein v. Blake* [1995] 2 W.L.R. 710, H.L.(E.)
- New Zealand Guardian Trust Co. Ltd. v. Brooks [1994] 2 N.Z.L.R. 134. **Decision of the Court of Appeal of New Zealand affirmed** [1995] 1 W.L.R. 96, P.C.
- Newbury District Council v. Secretary of State for the Environment [1981] A.C. 578; [1980] 2 W.L.R. 379; [1980] 1 All E.R. 731, H.L.(E.). **Considered**, *Tesco Stores Ltd. v. Secretary of State for the Environment* [1995] 1 W.L.R. 759, H.L.(E.)
- Newtherapeutics Ltd. v. Katz [1991] Ch. 226; [1990] 3 W.L.R. 1183; [1991] 2 All E.R. 151. **Not followed**, *Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah* [1995] 1 Lloyd's Rep. 374
- Nicholas v. Penny [1950] 2 K.B. 466; [1950] 2 All E.R. 89, D.C. **Applied**, *Darby v. Director of Public Prosecutions* [1995] R.T.R. 294, D.C.
- Nichols, *decd.*, *In re* [1975] 1 W.L.R. 534; [1975] 2 All E.R. 120, C.A. **Considered**, *Ingram v. Inland Revenue Comrs.* [1995] 4 All E.R. 334
- Nimz v. Freie und Hansestadt Hamburg (Case C-184/89) [1991] E.C.R. 1-297, E.C.J. **Applied**, *Smith v. Avdel Systems Ltd. (Case C-408/92)* [1995] I.C.R. 596, E.C.J. **Considered**, *Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91)* [1995] I.C.R. 179, E.C.J.
- Nind v. Nineteenth Century Building Society [1984] 2 Q.B. 226, C.A. **Not followed**, *Escalus Properties Ltd. v. Robinson* [1995] 3 W.L.R. 524, C.A.
- Noble (A Bankrupt), *In re, Ex parte The Bankrupt v. Official Receiver* [1965] Ch. 129; [1964] 3 W.L.R. 206; [1964] 2 All E.R. 522, C.A. **Applied**, *In re A Debtor (No. 799 of 1994), Ex parte Cobbs Property Services Ltd.* [1995] 1 W.L.R. 467
- Noble Trees Ltd., *In re* [1993] B.C.L.C. 1185, 1190. **Dictum of Vinelott J. approved**, *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 839, C.A.
- Nocton v. Lord Ashburton [1914] A.C. 932, H.L.(E.). **Considered**, *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)

- North Yorkshire County Council v. Ratcliffe [1994] I.C.R. 810, C.A. **Decision of the Court of Appeal reversed** [1995] I.C.R. 833, H.L.(E.)
- Northend v. White & Leonard & Corbin Greener (1975) 50 T.C. 121. **Considered**, *Koenigsberger v. Mellor* (1995) T.C. Leaflet No. 3438, C.A.
- Norwich Pharmacal Co. v. Customs and Excise Comrs. [1974] A.C. 133; [1973] 3 W.L.R. 164, [1973] 2 All E.R. 943, H.L.(E.). **Applied**, *Omar v. Omar* [1995] 1 W.L.R. 1428
- Nottingham County Council v. P. [1994] Fam. 18; [1993] 3 W.L.R. 637; [1993] 3 All E.R. 815, C.A. **Considered**, *In re H. (Minors) (Prohibited Steps Order)* [1995] 1 W.L.R. 667, C.A.
- O'Brien v. Robinson [1973] A.C. 912; [1973] 2 W.L.R. 393; [1973] 1 All E.R. 583, H.L.(E.). **Distinguished**, *British Telecommunications Plc. v. Sun Life Assurance Society Plc.* [1995] 3 W.L.R. 622, C.A.
- Ogburn v. Director of Public Prosecutions [1994] 1 W.L.R. 1107; [1994] R.T.R. 241; [1995] 1 Cr.App.R. 383, D.C. **Not followed**, *R. v. Burton-upon-Trent Justices, Ex parte Woolley* [1995] R.T.R. 139, D.C.
- Okotcha v. Voest Intertrading G.m.b.H. [1993] B.C.L.C. 474. **Applied**, *Keary Developments Ltd. v. Tarmac Construction Ltd.* [1995] 3 All E.R. 534, C.A.
- Olympia & York Canary Wharf Ltd., *In re* [1993] B.C.L.C. 453. **Considered**, *In re A Debtor (No. 13A-IO-1995)* [1995] 1 W.L.R. 1127
- Opinion No. 1/91 [1991] E.C.R. I-6079, 6109, para. 61, E.C.J. **Dicta applied**, *Kleinwort Benson Ltd. v. Glasgow City Council (Case C-346/93)* [1995] 3 W.L.R. 866, E.C.J.
- Orchard v. South Eastern Electricity Board [1987] Q.B. 565, 580; [1987] 2 W.L.R. 102; [1987] 1 All E.R. 95, C.A. **Dicta of Sir John Donaldson M.R. and Dillon L.J. applied**, *FilmLab Systems International Ltd. v. Pennington* [1995] 1 W.L.R. 673. **Considered**, *R. v. Horsham District Council, Ex parte Wenman* [1995] 1 W.L.R. 680
- Orwell Steel (Erection and Fabrication) Ltd. v. Asphalt and Tarmac (U.K.) Ltd. [1984] 1 W.L.R. 1097; [1985] 3 All E.R. 747. **Applied**, *Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.* [1995] 1 W.L.R. 299
- Otter v. Church, Adams, Tatham & Co. [1953] Ch. 280; [1953] 1 W.L.R. 156; [1953] 1 All E.R. 168. **Doubted**, *Allied Maples Group Ltd. v. Simmons & Simmons* [1995] 1 W.L.R. 1602, C.A.
- Overseas Aviation Engineering (G.B.) Ltd., *In re* [1963] Ch. 24, 39; [1962] 3 W.L.R. 594; [1962] 3 All E.R. 12, C.A. **Dictum of Lord Denning M.R. applied**, *Parr v. Smith* [1995] 2 All E.R. 1031, C.A.
- Overseas Tankship (U.K.) Ltd. v. Morts Dock & Engineering Co. Ltd. (The Wagon Mound) [1961] A.C. 388; [1961] 2 W.L.R. 126; [1961] 1 All E.R. 404, P.C. **Considered**, *Page v. Smith* [1995] 2 W.L.R. 644, H.L.(E.)
- Owen v. Sassoon (1951) 32 T.C. 101. **Considered**, *Nuclear Electric Plc. v. Bradley* (1995) T.C. Leaflet No. 3429
- Owen & Briggs v. James [1982] I.C.R. 618, C.A. **Considered**, *Nagarajan v. Agnew* [1995] I.C.R. 520, E.A.T.
- Owens Bank Ltd. v. Bracco [1992] 2 A.C. 443; [1992] 2 W.L.R. 621; [1992] 2 All E.R. 193, H.L.(E.). **Considered**, *Owens Bank Ltd. v. Etoile Commerciale S.A.* [1995] 1 W.L.R. 44, P.C.
- Oxfordshire County Council v. M. [1994] Fam. 151; [1994] 2 W.L.R. 393; [1994] 2 All E.R. 269, C.A. **Applied**, *R. v. R. (Residence Order: Child Abduction)* [1995] Fam. 209; [1995] 3 W.L.R. 425
- Oxfordshire County Council v. P. [1995] Fam. 161; [1995] 2 W.L.R. 543; [1995] 2 All E.R. 225. **Applied**, *Cleveland County Council v. F.* [1995] 1 W.L.R. 785
- P.A. (An Infant), *In re* [1971] 1 W.L.R. 1530; [1971] 3 All E.R. 522, C.A. **Considered**, *In re D. (Minors) (Adoption Orders: Confidentiality)* [1995] 1 W.L.R. 356, C.A.
- Paa! Wilson & Co. A/S v. Partenreederei Hannah Blumenthal [1983] 1 A.C. 854; [1982] 3 W.L.R. 1149; [1983] 1 All E.R. 34; [1983] 1 Lloyd's Rep. 103, H.L.(E.). **Distinguished**, *Minories Finance Ltd. v. Afribank Nigeria Ltd.* [1995] 1 Lloyd's Rep. 134
- Page v. Smith [1994] 4 All E.R. 522, C.A. **Decision of the Court of Appeal reversed** [1995] 2 W.L.R. 644, H.L.(E.)
- Palaniappa Chettiar v. Arunasalam Chettiar [1962] A.C. 294; [1962] 2 W.L.R. 548; [1962] 1 All E.R. 494, P.C. **Considered**, *Tribe v. Tribe* [1995] 3 W.L.R. 913, C.A.
- Palmer v. The Queen [1971] A.C. 814; [1971] 2 W.L.R. 831; [1971] 1 All E.R. 1077, P.C. **Applied**, *R. v. Clegg* [1995] 1 A.C. 482; [1995] 2 W.L.R. 80, H.L.(N.I.)
- Pamstock Ltd., *In re* [1994] 1 B.C.L.C. 716. **Approved**, *In re Grayan Building Services Ltd.* [1995] Ch. 241; [1995] 3 W.L.R. 1, C.A.
- Pan Atlantic Insurance Co. Ltd. v. Pine Top Insurance Co. Ltd. [1995] 1 A.C. 501; [1994] 3 W.L.R. 677; [1994] 3 All E.R. 581; [1994] 2 Lloyd's Rep. 427, H.L.(E.). **Considered**, *St. Paul Fire & Fire & Marine Insurance Co. (U.K.) Ltd. v. McConnell Dowell Constructors Ltd.* [1995] 2 Lloyd's Rep. 116, C.A.

- Pandit Gaya Parshad Tewari v. Sardar Bhagat Singh (1908) 24 T.L.R. 884, P.C. **Applied**, *Martin v. Watson* [1995] 3 W.L.R. 318, H.L.(E.)
- Parker v. British Airways Board [1982] Q.B. 1004; [1982] 2 W.L.R. 503; [1982] 1 All E.R. 834, C.A. **Applied**, *Waverley Borough Council v. Fletcher* [1995] 3 W.L.R. 772, C.A.
- Parker & Farr Ltd. v. Shelvey [1979] I.C.R. 896, E.A.T. **Not followed**, *Derwent Coachworks v. Kirby* [1995] I.C.R. 48, E.A.T.
- Parker Foundry Ltd. v. Slack [1992] I.C.R. 302, 307, C.A. **Dicta of Woolf L.J. applied**, *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349, E.A.T.
- Parkinson (Sir Lindsay) & Co. Ltd. v. Triplan Ltd. [1973] Q.B. 609; [1973] 2 W.L.R. 632; [1973] 2 All E.R. 273. **Applied**, *Keary Developments Ltd. v. Tarmac Construction Ltd.* [1995] 3 All E.R. 534, C.A.
- Parlement Belge, The (1879) 4 P.D. 129. **Applied**, *Littrell v. United States of America (No. 2)* [1995] 1 W.L.R. 82, C.A.
- Parry v. Cleaver [1970] A.C. 1; [1969] 2 W.L.R. 821; [1969] 1 All E.R. 555, H.L.(E.). **Distinguished**, *Deeny v. Gooda Walker Ltd.* [1995] 1 W.L.R. 1206
- Parsons v. Trustees of Henry Smith's Charity [1973] 1 W.L.R. 845; [1973] 3 All E.R. 23, C.A. **Considered**, *Westminster (Duke of) v. Birrane* [1995] Q.B. 262; [1995] 2 W.L.R. 270, C.A.
- Payabi v. Armstel Shipping Corp'n. [1992] Q.B. 907; [1992] 2 W.L.R. 898; [1992] 3 All E.R. 329; [1992] 2 Lloyd's Rep. 62. **Considered**, *Dong Wha Enterprise Co. Ltd. v. Crownson Shipping Ltd.* [1995] 1 Lloyd's Rep. 113
- Payne (David) & Co. Ltd., *In re*; Young v. David Payne & Co. Ltd. [1904] 2 Ch. 608, C.A. **Applied**, *Halifax Mortgage Services Ltd. v. Stepsky* [1995] 3 W.L.R. 701
- Peck v. Anicar Properties Ltd. [1971] 1 All E.R. 517, C.A. **Considered**, *Westminster (Duke of) v. Birrane* [1995] Q.B. 262; [1995] 2 W.L.R. 270, C.A.
- Pepper v. Daffurn (1993) T.C. Leaflet No. 3368. **Considered**, *Jarmin v. Rawlings* (1994) T.C. Leaflet No. 3414
- Pepper v. Hart [1993] A.C. 593; [1992] 3 W.L.R. 1032; [1993] 1 All E.R. 42, H.L.(E.). **Considered**, *Melluish v. B.M.I. (No. 3) Ltd.* [1995] 3 W.L.R. 630, H.L.(E.)
- Perpetual Executors and Trustees Association of Australia Ltd. v. Wright (1917) 23 C.L.R. 185. **Considered**, *Tribe v. Tribe* [1995] 3 W.L.R. 913, C.A.
- Petch v. Gurney [1994] 3 All E.R. 731; T.C. Leaflet No. 3401, C.A. **Followed**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Pfizer Corp'n. v. Ministry of Health [1965] A.C. 512, 535-536; [1965] 2 W.L.R. 387; [1965] 1 All E.R. 450, H.L.(E.). **Dictum of Lord Reid applied**, *Norweb Plc. v. Dixon* [1995] 1 W.L.R. 636, D.C.
- Philippine Admiral, The [1977] A.C. 373; [1976] 2 W.L.R. 214; [1976] 1 All E.R. 78, P.C. **Considered**, *Kuwait Airways Corp'n. v. Iraqi Airways Co.* [1995] 1 W.L.R. 1147, H.L.(E.)
- Phoenix General Insurance Co. of Greece S.A. v. Halvanon Insurance Co. Ltd. [1988] Q.B. 216; [1987] 2 W.L.R. 512; [1986] 1 All E.R. 908; [1987] 2 All E.R. 152; [1985] 2 Lloyd's Rep. 599; [1986] 2 Lloyd's Rep. 552, Hobhouse J. and C.A. **Considered**, *Bates v. Barrow Ltd.* [1995] 1 Lloyd's Rep. 680
- Photo Productions Ltd. v. Securicor Transport Ltd. [1980] A.C. 827; [1980] 2 W.L.R. 283; [1980] 1 All E.R. 556, H.L.(E.). **Considered**, *Yasuda Fire & Marine Insurance Co. of Europe Ltd. v. Orion Marine Insurance Underwriting Agency Ltd.* [1995] Q.B. 174; [1995] 2 W.L.R. 49
- Pilkington's Will Trusts, *In re* [1964] A.C. 612; [1962] 3 W.L.R. 1051; [1962] 3 All E.R. 622; 40 T.C. 416, H.L.(E.). **Considered**, *Swires v. Renton* (1991) 64 T.C. 315
- Pointe Gourde Quarrying and Transport Co. Ltd. v. Sub-Intendent of Crown Lands [1947] A.C. 565, P.C. **Considered**, *Director of Buildings and Lands v. Shun Fung Ironworks Ltd.* [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- Polkey v. A. E. Dayton Services Ltd. [1988] A.C. 344; [1987] 3 W.L.R. 1153; [1988] I.C.R. 142; [1987] 3 All E.R. 974, H.L.(E.). **Applied**, *Duffy v. Yeomans & Partners Ltd.* [1995] I.C.R. 1, C.A.
- Pollitt, *In re*; *Ex parte* Minor [1893] 1 Q.B. 455, C.A. **Applied**, *In re Dennis (A Bankrupt)* [1995] 3 W.L.R. 367, C.A.
- Polly Peck International Plc. (No. 2), *In re* [1994] 1 B.C.L.C. 574, 583. **Dictum of Lindsay J. considered**, *In re Grayan Building Services Ltd.* [1995] Ch. 241; [1995] 3 W.L.R. 1, C.A.
- Porzelack K.G. v. Porzelack (U.K.) Ltd. [1987] 1 W.L.R. 420; [1987] 1 All E.R. 1074. **Applied**, *Keary Developments Ltd. v. Tarmac Construction Ltd.* [1995] 3 All E.R. 534, C.A.
- Powdrill v. Watson [1994] I.C.R. 395; [1994] 2 All E.R. 513, C.A. **Decision of the Court of Appeal varied** [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] I.C.R. 1100; [1995] 2 All E.R. 65, H.L.(E.)
- Practice Direction (Appeals: Documentation) [1986] 1 W.L.R. 1318; [1986] 3 All E.R. 630, C.A. **Superseded**, *Practice Direction (Court of Appeal: Procedure)* [1995] 1 W.L.R. 1191
- Practice Direction (Appeals: Short Warned List) (No. 2) [1992] 1 W.L.R. 485, C.A. **Considered**, *Practice Direction (Court of Appeal: Procedure)* [1995] 1 W.L.R. 1191, C.A.

- Practice Direction (Civil Litigation: Case Management) [1995] 1 W.L.R. (262), 508; [1995] 1 All E.R. 385. **Considered**, *Practice Direction (Chancery Division: Procedure and Case Management)* [1995] 1 W.L.R. 785. **Practice extended**, *Practice Direction (Family Proceedings: Case Management)* [1995] 1 W.L.R. 332
- Practice Direction (Court Dress) [1994] 1 W.L.R. 1056. **Affirmed**, *Practice Direction (Court Dress) (No. 2)* [1995] 1 W.L.R. 648
- Practice Direction (Court of Appeal: Presentation of Argument) [1989] 1 W.L.R. 281; [1989] 1 All E.R. 891, C.A. **Superseded**, *Practice Direction (Court of Appeal: Procedure)* [1995] 1 W.L.R. 1191, C.A.; **Superseded in part**, *Practice Direction (Court of Appeal: Citation of Authority)* [1995] 1 W.L.R. 1096, C.A.
- Practice Direction (Court of Appeal: Skeleton Argument Time Limits) [1990] 1 W.L.R. 794; [1990] 2 All E.R. 318, C.A. **Superseded**, *Practice Direction (Court of Appeal: Procedure)* [1995] 1 W.L.R. 1191, C.A.
- Practice Direction (Crown Court: Two Counsel Order) [1989] 1 W.L.R. 618; [1989] 2 All E.R. 479, C.A. **Withdrawn**, *Practice Direction (Crown Court: Counsel)* [1995] 1 W.L.R. 261
- Practice Direction (Crown Court Business: Classification) [1987] 1 W.L.R. 1671; [1987] 3 All E.R. 1064. **Amended**, *Practice Direction (Crown Court: Allocation of Business)* [1995] 1 W.L.R. 1083
- Practice Direction (Evidence: Documents) [1983] 1 W.L.R. 922. **Amended**, *Practice Direction (Evidence: Documents)* [1995] 1 W.L.R. 510
- Practice Direction (Insolvency and Revenue: Appeals in North) [1991] 1 W.L.R. 103; [1991] 1 All E.R. 608. **Revoked in part**, *Practice Direction (Insolvency Appeals: Individuals)* [1995] 1 W.L.R. 1323
- Practice Direction (Insolvency Appeals: Hearings Outside London) [1992] 1 W.L.R. 791; [1992] 3 All E.R. 921. **Revoked**, *Practice Direction (Insolvency Appeals: Individuals)* [1995] 1 W.L.R. 1323
- Practice Direction (Law Reports: Citation) [1991] 1 W.L.R. 1; [1991] 1 All E.R. 352. **Superseded**, *Practice Direction (Court of Appeal: Citation of Authority)* [1995] 1 W.L.R. 1096, C.A.
- Practice Direction (List of Forthcoming Appeals) [1987] 1 W.L.R. 1422; [1987] 3 All E.R. 434, C.A. **Superseded**, *Practice Direction (Court of Appeal: Procedure)* [1995] 1 W.L.R. 1191, C.A.
- Practice Direction (Minor: Change of Surname) [1977] 1 W.L.R. 1065; [1977] 3 All E.R. 451. **Revoked**, *Practice Direction (Child: Change of Surname)* [1995] 1 W.L.R. 365
- Practice Direction (Probate: Notice to Quit) [1985] 1 W.L.R. 310; [1985] 1 All E.R. 832. **Cancelled**, *Practice Direction (Probate: Notice to Quit)* [1995] 1 W.L.R. 1120
- Practice Direction (Provisional Damages: Procedure) [1985] 1 W.L.R. 961; [1985] 2 All E.R. 895. **Amended**, *Practice Direction (Provisional Damages: Amended Procedure)* [1995] 1 W.L.R. 507
- Practice Statement (Court of Appeal: Note of Judgment For) [1990] 1 W.L.R. 1126; [1990] 2 All E.R. 1024, C.A. **Superseded**, *Practice Direction (Court of Appeal: Procedure)* [1995] 1 W.L.R. 1191, C.A.
- Prasad v. Wolverhampton Borough Council [1983] Ch. 333; [1983] 2 W.L.R. 946; [1983] 2 All E.R. 140, C.A. **Applied**, *Director of Buildings and Lands v. Shun Fung Ironworks Ltd.* [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- Pratt v. Attorney-General for Jamaica [1994] 2 A.C. 1; [1993] 3 W.L.R. 995; [1993] 4 All E.R. 769, P.C. **Applied**, *Bradshaw v. Attorney-General of Barbados* [1995] 1 W.L.R. 936, P.C.; *Guerra v. Baptiste* [1995] 3 W.L.R. 891, P.C. **Considered**, *Reckley v. Minister of Public Safety and Immigration* [1995] 2 A.C. 491; [1995] 3 W.L.R. 390, P.C.
- President of India v. Lips Maritime Corpn. [1988] A.C. 395; [1987] 3 W.L.R. 572; [1987] 3 All E.R. 110; [1987] 2 Lloyd's Rep. 311, H.L.(E.). **Considered**, *Cornelius (E.G.) & Co. Ltd. v. Christos Maritime Co. Ltd.* [1995] 1 Lloyd's Rep. 106
- Property and Reversionary Investment Corpn. Ltd. v. Templar [1977] 1 W.L.R. 1223; [1978] 2 All E.R. 433, C.A. **Distinguished**, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.
- Proudfoot v. Hart (1890) 25 Q.B.D. 42, C.A. **Considered**, *Crédit Suisse v. Beegas Nominees Ltd.* [1994] 4 All E.R. 803
- Prudential Assurance Co.'s Trust Deed, *In re*; *Horne v. Prudential Assurance Co. Ltd.* [1934] Ch. 338. **Applied**, *Marshall v. N.M. Financial Management Ltd.* [1995] 1 W.L.R. 1461; [1995] I.C.R. 1042
- Punjab National Bank v. de Boinville [1992] 1 W.L.R. 1138; [1992] 3 All E.R. 104, C.A. **Applied**, *Aiken v. Stewart Wrightson Members Agency Ltd.* [1995] 1 W.L.R. 1281
- Q.T. Discount Food Stores Ltd. v. Warley General Comrs. (1981) 57 T.C. 268. **Applied**, *Stoll v. High Wycombe General Comrs. (No. 2)* (1994) T.C. Leaflet No. 3424. **Considered**, *Delapage Ltd. v. Highbury General Comrs.* (1992) 64 T.C. 560
- R. (M.J.) (A Minor) (Publication of Transcript), *In re* [1975] Fam. 89; [1975] 2 W.L.R. 978; [1975] 2 All E.R. 749. **Considered**, *Cleveland County Council v. F.* [1995] 1 W.L.R. 785
- R.A. Securities Ltd. v. Mercantile Credit Co. Ltd. [1995] 3 All E.R. 581. **Considered**, *Mytre Investments Ltd. v. Reynolds* [1995] 3 All E.R. 588

- R.A.C.V. v. Insurance Pty. Ltd. v. Comr. of Taxation [1975] V.R. 1. **Applied**, *Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd.* [1995] 3 W.L.R. 671, P.C.
- R.M.C. Roadstone Products Ltd. v. Jester [1994] I.C.R. 456; [1994] 4 All E.R. 1037, D.C. **Disapproved**, *R. v. Associated Ocel Ltd.* [1995] I.C.R. 281, C.A.
- R. v. Absolam (1988) 88 Cr.App.R. 332, 336. **Dicta of Bingham L.J. applied**, *R. v. Weerdesteyn* [1995] 1 Cr.App.R. 405, C.A.
- R. v. Allen (Christopher) [1985] A.C. 1029; [1985] 3 W.L.R. 107; [1985] 2 All E.R. 641; 81 Cr.App.R. 200, H.L.(E.). **Distinguished**, *R. v. Dealy* [1995] 1 W.L.R. 658, C.A.
- R. v. Ananthanarayanan [1994] 1 W.L.R. 788; [1994] 2 All E.R. 847; 98 Cr.App.R. 1, C.A. **Considered**, *R. v. H.* [1995] 2 A.C. 596; [1995] 2 W.L.R. 737, H.L.(E.)
- R. v. Anderson; R. v. Morris [1966] Q.B. 110; [1966] 2 W.L.R. 1195; [1966] 2 All E.R. 644, C.C.A. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- R. v. Andrews (Donald) [1987] A.C. 281; [1987] 2 W.L.R. 413; [1987] 1 All E.R. 513, H.L.(E.). **Applied**, *Mills v. The Queen* [1995] 1 W.L.R. 511, P.C.
- R. v. Associated Ocel Co. Ltd. [1995] I.C.R. 281, C.A. **Applied**, *R. v. British Steel Plc.* [1995] 1 W.L.R. 1356, C.A.
- R. v. Ataou [1988] Q.B. 798; [1988] 2 W.L.R. 1147; [1988] 2 All E.R. 321, C.A. **Overruled**, *R. v. Derby Magistrates' Court, Ex parte B.* [1995] 3 W.L.R. 681, H.L.(E.)
- R. v. Barton [1973] 1 W.L.R. 115; [1972] 2 All E.R. 192. **Overruled**, *R. v. Derby Magistrates' Court, Ex parte B.* [1995] 3 W.L.R. 681, H.L.(E.)
- R. v. Batt [1994] Crim.L.R. 592. **Considered**, *R. v. Gordon (Stafford)* [1995] 2 Cr.App.R. 61, C.A.; *R. v. Morris* [1995] 2 Cr.App.R. 69, C.A.
- R. v. Berry [1985] A.C. 246, 254; [1984] 3 W.L.R. 1274; [1984] 3 All E.R. 1008, H.L.(E.). **Dictum of Lord Roskill considered**, *R. v. Berry (No. 3)* [1995] 1 W.L.R. 7, C.A.
- R. v. Betty (1964) 48 Cr.App.R. 6. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- R. v. Billam [1986] 1 W.L.R. 349; [1986] 1 All E.R. 985, C.A. **Applied**, *R. v. Dalton* [1995] Q.B. 243; [1995] 2 W.L.R. 377, C.A.
- R. v. Birmingham City Council, *Ex parte Ferrero Ltd.* [1993] 1 All E.R. 530, C.A. **Applied**, *R. v. Blackpool Borough Council, Ex parte Red Cab Taxis Ltd.* [1994] R.T.R. 402
- R. v. Bloomsbury Inland Tax Comrs., *Ex parte Hooper* [1915] 3 K.B. 768. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Caglar* (1995) T.C. Leaflet No. 3444
- R. v. Board of Trustees of the Science Museum [1993] 1 W.L.R. 1171; [1993] I.C.R. 876; [1993] 3 All E.R. 853, C.A. **Applied**, *R. v. British Steel Plc.* [1995] 1 W.L.R. 1356, C.A.
- R. v. Boardman [1975] A.C. 421; [1974] 3 W.L.R. 673; [1974] 3 All E.R. 887; 60 Cr.App.R. 165, H.L.(E.). **Applied**, *R. v. H.* [1995] 2 A.C. 596; [1995] 2 W.L.R. 737, H.L.(E.)
- R. v. Bolton Justices, *Ex parte Scally* [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239; [1991] 2 All E.R. 619, D.C. **Distinguished**, *R. v. Burton-upon-Trent Justices, Ex parte Woolley* [1995] R.T.R. 139, D.C.
- R. v. Bonnick (1977) 66 Cr.App.R. 266, C.A. **Considered**, *Director of Public Prosecutions v. Bailey* [1995] 1 Cr.App.R. 257, P.C.
- R. v. Boswell [1984] 1 W.L.R. 1047; [1984] 3 All E.R. 353; [1984] R.T.R. 315; 79 Cr.App.R. 277, C.A. **Considered**, *R. v. Asquith* [1995] R.T.R. 54; *R. v. Day* [1995] R.T.R. 183, C.A.; *R. v. Sergeant* [1995] R.T.R. 309, C.A.
- R. v. Bray (1988) 88 Cr.App.R. 354, C.A. **Considered**, *R. v. Hurst* [1995] 1 Cr.App.R. 82, C.A.
- R. v. Brent London Borough Council, *Ex parte Awua* (1994) 26 H.L.R. 539, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1995] 3 W.L.R. 215, H.L.(E.)
- R. v. Bromley Magistrates' Court, *Ex parte Smith* [1995] 1 W.L.R. 944; [1995] 4 All E.R. 146, D.C. **Distinguished**, *R. v. South Worcestershire Justices, Ex parte Lilley* [1995] 1 W.L.R. 1595, D.C.
- R. v. Brophy [1982] A.C. 476; [1981] 3 W.L.R. 103; [1981] 2 All E.R. 705; 73 Cr.App.R. 287, H.L.(N.I.). **Considered**, *Halawa v. Federation Against Copyright Theft* [1995] 1 Cr.App.R. 21, D.C.
- R. v. Brown (Kevin) (1983) 79 Cr.App.R. 115, C.A. **Considered**, *R. v. Keeton* [1995] 2 Cr.App.R. 241, C.A.
- R. v. Buzalek [1991] Crim.L.R. 116. **Considered**, *R. v. Durbin* [1995] 2 Cr.App.R. 84, C.A.
- R. v. Calder & Boyars Ltd. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974; [1968] 3 All E.R. 644; 52 Cr.App.R. 706, C.A. **Distinguished**, *R. v. O'Sullivan* [1995] 1 Cr.App.R. 455, C.A.
- R. v. Caldwell [1982] A.C. 341; [1981] 2 W.L.R. 509; [1981] 1 All E.R. 961; 73 Cr.App.R. 13, H.L.(E.). **Applied**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. Campbell (Oliver) [1995] 1 Cr.App.R. 522, C.A. **Applied**, *R. v. Bailey (Paula)* [1995] 2 Cr.App.R. 262, C.A.
- R. v. Camplin [1978] A.C. 705; [1978] 2 W.L.R. 679; [1978] 2 All E.R. 168, H.L.(E.). **Applied**, *R. v. Morhall* [1995] 3 W.L.R. 330, H.L.(E.)

- R. v. Central Criminal Court, *Ex parte* Guney [1994] 1 W.L.R. 438; [1994] 2 All E.R. 423, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1995] 1 W.L.R. 576, C.A.
- R. v. Central Independent Television Plc. [1994] Fam. 192; [1994] 3 W.L.R. 20; [1994] 3 All E.R. 641, C.A. **Considered**, *Ex parte* Crook [1995] 1 W.L.R. 139, C.A.
- R. v. Cheema [1994] 1 W.L.R. 147; [1994] 1 All E.R. 639; 98 Cr.App.R. 195, C.A. **Considered**, *R. v. Asghar* [1995] 1 Cr.App.R. 223, C.A.
- R. v. Cheshire Justices, *Ex parte* Cunningham (Note) [1995] R.T.R. 287, D.C. **Applied**, *R. v. Cheshire Justices*, *Ex parte* Sinnott [1995] R.T.R. 281, D.C.
- R. v. Chief Constable of Devon and Cornwall, *Ex parte* Central Electricity Generating Board [1982] Q.B. 458, 471; [1981] 3 W.L.R. 967; [1981] 3 All E.R. 826, C.A. **Dicta of Lord Denning M.R. doubted**, *Percy v. Director of Public Prosecutions* [1995] 1 W.L.R. 1382, D.C.
- R. v. Chief Constable of Kent, *Ex parte* L. [1993] 1 All E.R. 756; 93 Cr.App.R. 416, D.C. **Considered**, *R. v. Director of Public Prosecutions*, *Ex parte* C. [1995] 1 Cr.App.R. 136, D.C.
- R. v. Chief Constable of the Merseyside Police, *Ex parte* Calveley [1986] Q.B. 424; [1986] 2 W.L.R. 144; [1986] 1 All E.R. 257, C.A. **Applied**, *R. v. Blackpool Borough Council*, *Ex parte* Red Cab Taxis Ltd. [1994] R.T.R. 402
- R. v. Chief Constable of West Midlands Police, *Ex parte* Wiley [1995] 1 A.C. 274; [1994] 3 W.L.R. 433; [1994] 3 All E.R. 420, H.L.(E.). **Considered**, *Bennett v. Comr. of Police of the Metropolis* [1995] 1 W.L.R. 488; *Taylor v. Anderton (Police Complaints Authority Intervening)* [1995] 1 W.L.R. 447, C.A.
- R. v. Chief National Insurance Commissioner, *Ex parte* Connor [1981] Q.B. 758; [1981] 2 W.L.R. 412; [1981] 1 All E.R. 769, D.C. **Applied**, *Whiston v. Whiston* [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A.
- R. v. Clarence (1889) 22 Q.B.D. 23. **Considered**, *R. v. Linekar* [1995] Q.B. 250; [1995] 2 W.L.R. 237, C.A.
- R. v. Clewer (1953) 37 Cr.App.R. 37, C.C.A. **Distinguished**, *Sankar v. State of Trinidad and Tobago* [1995] 1 W.L.R. 194, P.C.
- R. v. Clinton [1993] 1 W.L.R. 1181; [1993] 2 All E.R. 998, C.A. **Applied**, *Sankar v. State of Trinidad and Tobago* [1995] 1 W.L.R. 194, P.C.
- R. v. Cohen (1992) 142 N.L.J. 1267. **Distinguished**, *R. v. Kellard* [1995] 2 Cr.App.R. 134, C.A.
- R. v. Comr. of Police of the Metropolis, *Ex parte* Blackburn [1968] 2 Q.B. 118, 136; [1968] 2 W.L.R. 893; [1968] 1 All E.R. 763, C.A. **Considered**, *R. v. Director of Public Prosecutions*, *Ex parte* C. [1995] 1 Cr.App.R. 136, D.C.
- R. v. Conway [1989] Q.B. 290; [1988] 3 W.L.R. 1238; [1988] 3 All E.R. 1025; 88 Cr.App.R. 159; [1989] R.T.R. 35, C.A. **Considered**, *Director of Public Prosecutions v. Harris (Nigel)* [1995] 1 Cr.App.R. 170; [1995] R.T.R. 100, D.C.
- R. v. Courtie [1984] A.C. 463; [1984] 2 W.L.R. 330; [1984] 1 All E.R. 740; 78 Cr.App.R. 292, H.L.(E.). **Applied**, *R. v. Director of Public Prosecutions*, *Ex parte* C. [1995] 1 Cr.App.R. 136, D.C.; *R. v. Sherwood* [1995] R.T.R. 60, C.A.
- R. v. Criminal Injuries Compensation Board, *Ex parte* P. [1994] 1 All E.R. 80, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1995] 1 W.L.R. 845, C.A.
- R. v. Davis [1993] 1 W.L.R. 613, 618; [1993] 2 All E.R. 643, C.A. **Dictum of Lord Taylor of Gosforth C.J. applied**, *R. v. Bromley Magistrates' Court*, *Ex parte* Smith [1995] 1 W.L.R. 944, D.C.
- R. v. Dawson [1960] 1 W.L.R. 163; [1960] 1 All E.R. 558; 44 Cr.App.R. 87, C.C.A. **Considered**, *R. v. Gray* [1995] 2 Cr.App.R. 100, C.A.
- R. v. Deakin [1994] 4 All E.R. 769, C.A. **Considered**, *R. v. Hampshire* [1995] 3 W.L.R. 260, C.A.
- R. v. Dee (1884) 14 L.R.Ir. 468. **Considered**, *R. v. Linekar* [1995] Q.B. 250; [1995] 2 W.L.R. 237, C.A.
- R. v. Denton [1987] R.T.R. 129; 85 Cr.App.R. 246, C.A. **Applied**, *Director of Public Prosecutions v. Harris (Nigel)* [1995] 1 Cr.App.R. 170; [1995] R.T.R. 100, D.C.
- R. v. Deputy Governor of Parkhurst Prison, *Ex parte* Hague [1992] 1 A.C. 58, 170; [1991] 3 W.L.R. 340; [1991] 3 All E.R. 733, H.L.(E.). **Applied**, *Melton Medes Ltd. v. Securities and Investments Board* [1995] Ch. 137; [1995] 2 W.L.R. 247. **Dictum of Lord Jauncey applied**, *T. (A Minor) v. Surrey County Council* [1994] 4 All E.R. 577. **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- R. v. Dodson [1984] 1 W.L.R. 971; 97 Cr.App.R. 220, C.A. **Considered**, *R. v. Downey* [1995] 1 Cr.App.R. 547, C.A.
- R. v. Dudley [1989] Crim.L.R. 57, C.A. **Applied**, *R. v. Webster* [1995] 2 All E.R. 168; [1995] 1 Cr.App.R. 492, C.A.
- R. v. Dunbar [1988] Crim.L.R. 693. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- R. v. Dunne (1929) 21 Cr.App.R. 176, C.C.A. **Considered**, *R. v. Hampshire* [1995] 3 W.L.R. 260, C.A.
- R. v. Edwards [1991] 1 W.L.R. 207; [1991] 2 All E.R. 266; 93 Cr.App.R. 48, C.A. **Applied**, *R. v. Williams (Seymore)* [1995] 1 Cr.App.R. 74, C.A.

- R. v. Effik [1995] 1 A.C. 309, 320; [1994] 3 W.L.R. 583; [1994] 3 All E.R. 458, H.L.(E.). **Dicta of Lord Oliver of Aylmerton applied**, *R. v. Governor of Belmarsh Prison, Ex parte Martin* [1995] 1 W.L.R. 412, D.C.
- R. v. Epping (Waltham Abbey) Justices, *Ex parte Burlinson* [1948] 1 K.B. 79. **Considered**, *Botross v. Hammersmith and Fulham London Borough Council* (1994) 93 L.G.R. 268, D.C.
- R. v. Essex County Council, *Ex parte C.* (1993) 92 L.G.R. 46. **Decision of Jowitt J. affirmed** (1993) 93 L.G.R. 10, C.A.
- R. v. Falconer-Atlee (1973) 58 Cr.App.R. 349, 357, C.A. **Dictum of Roskill L.J. considered**, *R. v. Kemp* [1995] 1 Cr.App.R. 151, C.A. **Distinguished**, *R. v. Fulcher* [1995] 2 Cr.App.R. 251, C.A.
- R. v. Flattery (1877) 2 Q.B.D. 410. **Considered**, *R. v. Linekar* [1995] Q.B. 250; [1995] 2 W.L.R. 237, C.A.
- R. v. Foote [1993] R.T.R. 171, C.A. **Considered**, *R. v. Avey* [1994] R.T.R. 419, C.A. and D.C.
- R. v. French (1993) 97 Cr.App.R. 421, C.A. **Considered**, *R. v. Hurst* [1995] 1 Cr.App.R. 82, C.A.
- R. v. Galbraith [1981] 1 W.L.R. 1039; [1981] 2 All E.R. 1060; 73 Cr.App.R. 124, C.A. **Applied**, *R. v. Fulcher* [1995] 2 Cr.App.R. 251, C.A.
- R. v. General Council of the Bar, *Ex parte Percival* [1991] 1 Q.B. 212, 234; [1990] 3 W.L.R. 323; [1990] 3 All E.R. 137, D.C. **Considered**, *R. v. Director of Public Prosecutions, Ex parte C.* [1995] 1 Cr.App.R. 136, D.C.
- R. v. Goodson [1975] 1 W.L.R. 549; [1975] 1 All E.R. 760; 60 Cr.App.R. 266, C.A. **Considered**, *R. v. Tharakan* [1995] 2 Cr.App.R. 368, C.A.
- R. v. Goodway [1993] 4 All E.R. 894; 98 Cr.App.R. 11, C.A. **Considered**, *R. v. Keeton* [1995] 2 Cr.App.R. 241, C.A.
- R. v. Governor of Pentonville Prison, *Ex parte Cheng* [1973] A.C. 931; [1973] 2 W.L.R. 746; [1973] 2 All E.R. 204, H.L.(E.). **Applied**, *T. v. Secretary of State for the Home Department* [1995] 1 W.L.R. 545, C.A.; *R. v. Radio Authority, Ex parte Bull* [1995] 3 W.L.R. 572, D.C.
- R. v. Governor of Pentonville Prison, *Ex parte Lee* [1993] 1 W.L.R. 1294; [1993] 3 All E.R. 504, D.C. **Considered**, *R. v. Governor of Belmarsh Prison, Ex parte Francis* [1995] 1 W.L.R. 1121, D.C.
- R. v. Governor of Pentonville Prison, *Ex parte Tarling* (1978) 70 Cr.App.R. 77, H.L.(E.). **Considered**, *Adams v. The Queen* [1995] 1 W.L.R. 52, P.C.
- R. v. Graham (Paul) [1982] 1 W.L.R. 294, 300; [1982] 1 All E.R. 801; 74 Cr.App.R. 235, C.A. **Dictum of Lord Lane C.J. applied**, *R. v. Hurst* [1995] 1 Cr.App.R. 82, C.A.
- R. v. Griffiths [1966] 1 Q.B. 589; [1965] 3 W.L.R. 405; [1965] 2 All E.R. 448; 49 Cr.App.R. 279, C.C.A. **Considered**, *R. v. Gray* [1995] 2 Cr.App.R. 100, C.A.
- R. v. Guildford Crown Court, *Ex parte Siderfin* [1990] 2 Q.B. 683; [1990] 2 W.L.R. 152; [1989] 3 All E.R. 7, D.C. **Applied**, *In re Osman (Practice Note)* [1995] 1 W.L.R. 1327
- R. v. Gunewardene [1951] 2 K.B. 600; [1951] 2 All E.R. 290, C.C.A. **Applied**, *Lobban v. The Queen* [1995] 1 W.L.R. 877, P.C.
- R. v. H. [1994] 1 W.L.R. 809; [1994] 2 All E.R. 881; 99 Cr.App.R. 178, C.A. **Decision of Court of Appeal (Criminal Division) affirmed** [1995] 2 A.C. 596; [1995] 2 W.L.R. 737, H.L.(E.)
- R. v. H.M. Inspector of Taxes, *Ex parte Kissane* [1986] S.T.C. 152. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Caglar* (1995) T.C. Leaflet No. 3444
- R. v. Hallam [1957] 1 Q.B. 569; [1957] 2 W.L.R. 521; [1957] 1 All E.R. 665, C.C.A. **Applied**, *R. v. Berry (No. 3)* [1995] 1 W.L.R. 7, C.A.
- R. v. Hardie [1985] 1 W.L.R. 64; [1984] 3 All E.R. 848; 80 Cr.App.R. 157, C.A. **Explained**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. Hillingdon London Borough Council, *Ex parte Puhlhofer* [1986] A.C. 484; [1986] 2 W.L.R. 259; [1986] 1 All E.R. 467, H.L.(E.). **Applied**, *R. v. Brent London Borough Council, Ex parte Awua* [1995] 3 W.L.R. 215, H.L.(E.)
- R. v. Hope [1994] Crim.L.R. 118, C.A. **Considered**, *R. v. Thornton (Brian)* [1995] 1 Cr.App.R. 578, C.A.; *R. v. Slater* [1995] 1 Cr.App.R. 584, C.A.
- R. v. Horseferry Road Magistrates' Court, *Ex parte Bennett* [1994] 1 A.C. 42; [1993] 3 W.L.R. 90; [1993] 3 All E.R. 138; 98 Cr.App.R. 114, H.L.(E.). **Considered**, *R. v. Latif* [1995] 1 Cr.App.R. 270, C.A.; *R. v. Comr. of Police of the Metropolis, Ex parte Bennett* [1995] Q.B. 313; [1995] 2 W.L.R. 598, D.C.
- R. v. Horseferry Road Stipendiary Magistrate, *Ex parte Pearson* [1976] 1 W.L.R. 511, 514; [1976] 2 All E.R. 264, D.C. **Dictum of Lord Widgery C.J. applied**, *R. v. Maidstone Crown Court, Ex parte Lever* [1995] 1 W.L.R. 928, C.A.
- R. v. Houlden (1994) 99 Cr.App.R. 244. **Distinguished**, *R. v. Keeton* [1995] 2 Cr.App.R. 241, C.A.
- R. v. Howell (Errol) [1982] Q.B. 416; [1981] 3 W.L.R. 501; [1981] 3 All E.R. 383, C.A. **Applied**, *Percy v. Director of Public Prosecutions* [1995] 1 W.L.R. 1382, D.C.
- R. v. Hyde [1991] 1 Q.B. 134; [1990] 3 W.L.R. 1115; [1990] 3 All E.R. 892; 92 Cr.App.R. 131, C.A. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.

- R. v. Immigration Officer, *Ex parte* Chan [1992] 1 W.L.R. 541; [1992] 2 All E.R. 738, C.A. **Distinguished**, *R. v. Secretary of State for the Home Department, Ex parte Ku* [1995] Q.B. 364; [1995] 2 W.L.R. 589, C.A.
- R. v. Inland Revenue Comrs., *Ex parte* M.F.K. Underwriting Agents Ltd. [1990] 1 W.L.R. 1545; [1990] 1 All E.R. 91; 60 T.C. 607, D.C. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Unilever Plc.* (1994) T.C. Leaflet No. 3411
- R. v. Inland Revenue Comrs., *Ex parte* Mead [1993] 1 All E.R. 772; T.C. Leaflet No. 3320, D.C. **Considered**, *R. v. Director of Public Prosecutions, Ex parte C.* [1995] 1 Cr.App.R. 136 D.C.
- R. v. Inland Revenue Comrs., *Ex parte* National Federation of Self-Employed and Small Businesses Ltd. [1982] A.C. 617; [1981] 2 W.L.R. 722; [1981] 2 All E.R. 93; 55 T.C. 133, H.L.(E.). **Applied**, *R. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd.* [1995] 1 W.L.R. 386, D.C. **Considered**, *Koenigsberger v. Mellor* (1995) T.C. Leaflet No. 3438, C.A.
- R. v. Inland Revenue Comrs., *Ex parte* Preston [1985] A.C. 835; [1985] 2 W.L.R. 836; [1985] 2 All E.R. 327; 59 T.C. 1, H.L.(E.). **Considered**, *R. v. Inland Revenue Comrs., Ex parte Unilever Plc.* (1994) T.C. Leaflet No. 3411; *R. v. Inland Revenue Comrs., Ex parte Caglar* (1995) T.C. Leaflet No. 3444
- R. v. Investors Compensation Board, *Ex parte* Bowden [1995] Q.B. 107; [1994] 3 W.L.R. 1045; [1995] 1 All E.R. 214, C.A. **Decision of the Court of Appeal reversed** [1995] 3 W.L.R. 289, H.L.(E.)
- R. v. Jakeman (1982) 76 Cr.App.R. 223, C.A. **Considered**, *R. v. Latif* [1995] 1 Cr.App.R. 270, C.A.
- R. v. Jefferson [1994] 1 All E.R. 270, C.A. **Not followed**, *Lobban v. The Queen* [1995] 1 W.L.R. 877, P.C.
- R. v. Kabariti (1990) 92 Cr.App.R. 362, C.A. **Applied**, *R. v. Durbin* [1995] 2 Cr.App.R. 84, C.A.
- R. v. Keane [1994] 1 W.L.R. 746; [1994] 2 All E.R. 478, C.A. **Applied**, *R. v. Turner (Paul)* [1995] 1 W.L.R. 264, C.A.
- R. v. Kellett [1976] Q.B. 372; [1975] 3 W.L.R. 713; [1975] 3 All E.R. 468, C.A. **Applied**, *Peach Grey & Co. v. Sommers* [1995] I.C.R. 549; *Connolly v. Dale* [1995] 3 W.L.R. 786, D.C.
- R. v. Kershaw (1902) 18 T.L.R. 357. **Applied**, *C. (A Minor) v. Director of Public Prosecutions* [1995] 2 W.L.R. 383, H.L.(E.)
- R. v. Ketteridge [1915] 1 K.B. 467; 11 Cr.App.R. 54. **Considered**, *R. v. Tharakan* [1995] 2 Cr.App.R. 368, C.A.
- R. v. Kilbourne [1973] A.C. 729; [1973] 2 W.L.R. 254; [1973] 1 All E.R. 440; 57 Cr.App.R. 381, H.L.(E.). **Applied**, *R. v. H.* [1995] 2 A.C. 596; [1995] 2 W.L.R. 737, H.L.(E.)
- R. v. King's Lynn Justices, *Ex parte* Holland [1993] 1 W.L.R. 324; [1993] 2 All E.R. 377, D.C. **Distinguished**, *R. v. Governor of Belmarsh Prison, Ex parte Francis* [1995] 1 W.L.R. 1121, D.C.
- R. v. Kingston [1994] Q.B. 81; [1993] 3 W.L.R. 676; [1993] 4 All E.R. 373; 97 Cr.App.R. 401, C.A. **Explained**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. Kingston-upon-Thames Justices, *Ex parte* Khanna [1986] R.T.R. 364, D.C. **Distinguished**, *R. v. Burton-upon-Trent Justices, Ex parte Woolley* [1995] R.T.R. 139, D.C.
- R. v. Knüller (Publishing, Printing and Promotions) Ltd. [1973] A.C. 435, 489; [1972] 3 W.L.R. 143; [1972] 2 All E.R. 898, H.L.(E.). **Dictum of Lord Simon of Glaisdale applied**, *C. (A Minor) v. Director of Public Prosecutions* [1995] 2 W.L.R. 383, H.L.(E.)
- R. v. Lawrence (Stephen) [1982] A.C. 510; [1981] 2 W.L.R. 524; [1981] 1 All E.R. 974, H.L.(E.). **Distinguished**, *R. v. Woodward (Terence)* [1995] 1 W.L.R. 375, C.A.
- R. v. Liverpool City Justices, *Ex parte* Topping [1983] 1 W.L.R. 119, 123; [1983] 1 All E.R. 490, D.C. **Dictum of Ackner L.J. applied**, *R. v. South Worcestershire Justices, Ex parte Lilley* [1995] 1 W.L.R. 1595, D.C.
- R. v. Liverpool Juvenile Court, *Ex parte* R. [1988] Q.B. 1; [1987] 3 W.L.R. 224; [1987] 2 All E.R. 668; 86 Cr.App.R. 1, D.C. **Followed**, *Halawa v. Federation Against Copyright Theft* [1995] 1 Cr.App.R. 21, D.C.
- R. v. Lovesey [1970] 1 Q.B. 352; [1969] 3 W.L.R. 213; [1969] 2 All E.R. 1077; 53 Cr.App.R. 461, C.A. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- R. v. Lucas [1981] Q.B. 720; [1981] 3 W.L.R. 120; [1981] 2 All E.R. 1008; 73 Cr.App.R. 159, C.A. **Considered**, *R. v. Keeton* [1995] 2 Cr.App.R. 241, C.A.
- R. v. McBride [1962] 2 Q.B. 167; [1961] 3 W.L.R. 549; [1961] 3 All E.R. 6, C.C.A. **Applied**, *R. v. Woodward (Terence)* [1995] 1 W.L.R. 375, C.A.
- R. v. McGranaghan (Note) [1995] 1 Cr.App.R. 559, C.A. **Applied**, *R. v. Downey* [1995] 1 Cr.App.R. 547, C.A.
- R. v. McLoughlin [1985] 1 N.Z.L.R. 106, 107. **Dictum of Hardie Boys J. applied**, *Sankar v. State of Trinidad and Tobago* [1995] 1 W.L.R. 194, P.C.
- R. v. McNeil [1967] Crim.L.R. 540, C.A. **Applied**, *In re Osman (Practice Note)* [1995] 1 W.L.R. 1327

- R. v. Maidstone Crown Court, *Ex parte* Clark [1995] 1 W.L.R. 831; [1995] 3 All E.R. 513, D.C. **Not followed**, *R. v. Leeds Crown Court, Ex parte Hussain* [1995] 1 W.L.R. 1329, D.C.
- R. v. Manchester Crown Court, *Ex parte* Director of Public Prosecutions [1993] 1 W.L.R. 1524; [1993] 4 All E.R. 928, H.L.(E.). **Applied**, *R. v. Leeds Crown Court, Ex parte Hussain* [1995] 1 W.L.R. 1329, D.C. **Considered**, *R. v. Maidstone Crown Court, Ex parte Clark* [1995] 1 W.L.R. 831, D.C.
- R. v. Mara [1987] 1 W.L.R. 87; [1987] I.C.R. 165; [1987] 1 All E.R. 478, C.A. **Applied**, *R. v. Associated Oriel Ltd.* [1995] I.C.R. 281, C.A.
- R. v. Martin (Colin) [1989] 1 All E.R. 652; [1989] R.T.R. 63; 88 Cr.App.R. 343, 346, C.A. **Dictum of Simon Brown J. considered**, *Director of Public Prosecutions v. Harris (Nigel)* [1995] 1 Cr.App.R. 170; [1995] R.T.R. 100, D.C.
- R. v. Melville [1976] 1 W.L.R. 181; [1976] 1 All E.R. 395; 62 Cr.App.R. 100, C.A. **Considered**, *R. v. Straw* [1995] 1 All E.R. 187, C.A.
- R. v. Miller [1983] 2 A.C. 161; [1983] 2 W.L.R. 539; [1983] 1 All E.R. 978; 77 Cr.App.R. 17, H.L.(E.). **Considered**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. Morhall [1993] 4 All E.R. 888, C.A. **Decision of the Court of Appeal (Criminal Division) reversed** [1995] 3 W.L.R. 330, H.L.(E.)
- R. v. Mulvihill [1990] 1 W.L.R. 438; [1990] 1 All E.R. 436, C.A. **Applied**, *R. v. South Worcestershire Justices, Ex parte Lilley* [1995] 1 W.L.R. 1595, D.C.
- R. v. Neale (Paul) (1977) 65 Cr.App.R. 304, D.C. **Applied**, *Lobban v. The Queen* [1995] 1 W.L.R. 877, P.C.
- R. v. Newell (1980) 71 Cr.App.R. 331, C.A. **Doubted**, *R. v. Morhall* [1995] 3 W.L.R. 330, H.L.(E.)
- R. v. Novac (1976) 65 Cr.App.R. 107, C.A. **Considered**, *R. v. Kellard* [1995] 2 Cr.App.R. 134, C.A.
- R. v. Oliva [1965] 1 W.L.R. 1028; [1965] 3 All E.R. 116; 49 Cr.App.R. 298, C.C.A. **Applied**, *R. v. Russell-Jones* [1995] 1 Cr.App.R. 538, C.A.
- R. v. Owen [1976] 1 W.L.R. 840; [1976] 3 All E.R. 239; 63 Cr.App.R. 199, C.A. **Considered**, *R. v. Montgomery* [1995] 2 All E.R. 28, C.A.
- R. v. Oxfordshire County Council (Secure Accommodation Order) [1992] Fam. 150; [1992] 3 W.L.R. 88; [1992] 3 All E.R. 660; [1992] 1 F.L.R. 648. **Not followed**, *In re M. (A Minor) (Secure Accommodation Order)* [1995] Fam. 108; [1995] 2 W.L.R. 302, C.A.
- R. v. Palmer [1992] 1 W.L.R. 568; [1992] 3 All E.R. 289; 95 Cr.App.R. 170, C.A. **Considered**, *R. v. Montgomery* [1995] 2 All E.R. 28, C.A.
- R. v. Parole Board, *Ex parte* Wilson [1992] Q.B. 740; [1992] 2 W.L.R. 707; [1992] 2 All E.R. 576, C.A. **Distinguished**, *R. v. Secretary of State for the Home Department, Ex parte Hickey (No. 2)* [1995] 1 W.L.R. 734, D.C.
- R. v. Penfold (David) (1979) 71 Cr.App.R. 4, C.A. **Considered**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- R. v. Peters [1993] R.T.R. 133, C.A. **Distinguished**, *R. v. Woodward (Terence)* [1995] 1 W.L.R. 375, C.A.
- R. v. Plymouth City Council, *Ex parte* Plymouth and South Devon Co-operative Society Ltd. (1993) 67 P. & C.R. 78, C.A. **Considered**, *Tesco Stores Ltd. v. Secretary of State for the Environment* [1995] 1 W.L.R. 759, H.L.(E.)
- R. v. Prentice [1994] Q.B. 302; [1993] 3 W.L.R. 927; [1993] 4 All E.R. 935; 98 Cr.App.R. 262, C.A. **Considered**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. R. [1992] 1 A.C. 599; [1991] 3 W.L.R. 767; [1991] 4 All E.R. 481, H.L.(E.). **Distinguished**, *C. (A Minor) v. Director of Public Prosecutions* [1995] 2 W.L.R. 383, H.L.(E.)
- R. v. R. (S.M.) (1984) 79 Cr.App.R. 334, C.A. **Considered**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. Race Relations Board, *Ex parte* Selvarajan [1975] 1 W.L.R. 1686; [1976] 1 All E.R. 12, C.A. **Considered**, *R. v. Director of Public Prosecutions, Ex parte C.* [1995] 1 Cr.App.R. 136, D.C.
- R. v. Ramsden [1972] Crim.L.R. 547, C.A. **Distinguished**, *R. v. Cheshire Justices, Ex parte Sinnott* [1995] R.T.R. 281, D.C.
- R. v. Rawlings [1995] 2 Cr.App.R. 222, C.A. **Distinguished**, *R. v. Saunders* [1995] 2 Cr.App.R. 313, C.A.
- R. v. Registrar General, *Ex parte* Smith [1991] 2 Q.B. 393; [1991] 2 W.L.R. 782; [1991] 2 All E.R. 88, C.A. **Applied**, *Whiston v. Whiston* [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A.
- R. v. Reid (Barry) (1975) 62 Cr.App.R. 109, C.A. **Approved**, *R. v. Stewart* [1995] 1 Cr.App.R. 441, C.A.
- R. v. Reid [1992] 1 W.L.R. 793; [1992] 3 All E.R. 673; 95 Cr.App.R. 391; [1992] R.T.R. 341, H.L.(E.). **Considered**, *R. v. Coles* [1995] 1 Cr.App.R. 157, C.A.
- R. v. Reynolds [1950] 1 K.B. 606; [1950] 1 All E.R. 335, C.C.A. **Distinguished**, *R. v. Deakin* [1994] 4 All E.R. 769, C.A.
- R. v. Ryder [1994] 2 All E.R. 859; 98 Cr.App.R. 242, C.A. **Considered**, *R. v. H.* [1995] 2 A.C. 596; [1995] 2 W.L.R. 737, H.L.(E.)

- R. v. Sandbach, *Ex parte Williams* [1935] 2 K.B. 192, 196, D.C. **Dicta of Avory J. doubted**, *Percy v. Director of Public Prosecutions* [1995] 1 W.L.R. 1382, D.C.
- R. v. Sang [1980] A.C. 402; [1979] 3 W.L.R. 263; [1979] 2 All E.R. 1222; 69 Cr.App.R. 282, H.L.(E.) **Considered**, *Halawa v. Federation Against Copyright Theft* [1995] 1 Cr.App.R. 21, D.C.
- R. v. Sawyer (1980) 71 Cr.App.R. 283, C.A. **Applied**, *R. v. Mickleburgh* [1995] 1 Cr.App.R. 297, C.A.
- R. v. Secretary of State for Employment, *Ex parte Equal Opportunities Commission* [1992] I.C.R. 341; [1992] 1 All E.R. 545, D.C. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Caglar* (1995) T.C. Leaflet No. 3444
- R. v. Secretary of State for Employment, *Ex parte Equal Opportunities Commission* [1995] 1 A.C. 1; [1994] 2 W.L.R. 409; [1995] I.C.R. 317; [1994] 1 All E.R. 910, H.L.(E.). **Applied**, *Colley v. Corkindale (trading as Corkers Lounge Bar)* [1995] I.C.R. 965, E.A.T. **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.); *Biggs v. Somerset County Council* [1995] I.C.R. 811, E.A.T.; *R. v. Secretary of State for Employment, Ex parte Seymour-Smith* [1995] I.C.R. 890, C.A.
- R. v. Secretary of State for Foreign and Commonwealth Affairs, *Ex parte Rees-Mogg* [1994] Q.B. 552; [1994] 2 W.L.R. 115; [1994] 1 All E.R. 457, D.C. **Applied**, *R. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd.* [1995] 1 W.L.R. 386, D.C.
- R. v. Secretary of State for Home Affairs, *Ex parte Hosenball* [1977] 1 W.L.R. 766; [1977] 3 All E.R. 452, C.A. **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Chahal* [1995] 1 W.L.R. 526, C.A.
- R. v. Secretary of State for the Environment, *Ex parte Burrows* [1991] 2 Q.B. 354; [1990] 3 W.L.R. 1070; [1990] 3 All E.R. 490; 89 L.G.R. 398, C.A. **Considered**, *R. v. Secretary of State for the Environment, Ex parte Kent County Council* [1994] 93 L.G.R. 322
- R. v. Secretary of State for the Home Department, *Ex parte Adams* [1995] All E.R. (E.C.) 177, D.C. **Applied**, *R. v. Secretary of State for the Home Department, Ex parte McQuillan* [1995] 4 All E.R. 400
- R. v. Secretary of State for the Home Department, *Ex parte Al-Mehdawi* [1990] 1 A.C. 876; [1989] 3 W.L.R. 1294; [1989] 3 All E.R. 843, H.L.(E.). **Considered**, *R. v. Burton-upon-Trent Justices, Ex parte Woolley* [1995] R.T.R. 139, D.C.
- R. v. Secretary of State for the Home Department, *Ex parte Chahal* [1995] 1 W.L.R. 526, C.A. **Distinguished**, *T. v. Secretary of State for the Home Department* [1995] 1 W.L.R. 545, C.A.
- R. v. Secretary of State for the Home Department, *Ex parte Doody* [1994] 1 A.C. 531; [1993] 3 W.L.R. 154; [1993] 3 All E.R. 92, H.L.(E.). **Applied**, *R. v. Secretary of State for the Home Department, Ex parte Hickey (No. 2)* [1995] 1 W.L.R. 734, D.C. **Considered**, *Huntley v. Attorney-General for Jamaica* [1995] 2 A.C. 1; [1995] 2 W.L.R. 114, P.C.
- R. v. Secretary of State for the Home Department, *Ex parte Fire Brigades Union* [1994] P.I.Q.R. P320, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1995] 2 A.C. 513; [1995] 2 W.L.R. 1, C.A.
- R. v. Secretary of State for the Home Department, *Ex parte Fire Brigades Union* [1995] 2 A.C. 513; [1995] 2 W.L.R. 1, C.A. **Decision of the Court of Appeal affirmed** [1995] 2 A.C. 513; [1995] 2 W.L.R. 464, H.L.(E.)
- R. v. Secretary of State for the Home Department, *Ex parte Ghulam Fatima* [1986] A.C. 527; [1986] 2 W.L.R. 693; [1986] 2 All E.R. 32, H.L.(E.). **Applied**, *Berkovits v. Grinberg (Attorney-General Intervening)* [1995] Fam. 142; [1995] 2 W.L.R. 553
- R. v. Secretary of State for the Home Department, *Ex parte Khawaja* [1984] A.C. 74; [1983] 2 W.L.R. 321; [1983] 1 All E.R. 765, H.L.(E.). **Considered**, *R. v. Secretary of State for the Home Department, Ex parte Ku* [1995] Q.B. 364; [1995] 2 W.L.R. 589, C.A.
- R. v. Secretary of State for the Home Department, *Ex parte Muboyayi* [1992] Q.B. 244, 269; [1991] 3 W.L.R. 442; [1991] 4 All E.R. 72, C.A. **Dictum of Taylor L.J. applied**, *R. v. Maidstone Crown Court, Ex parte Clark* [1995] 1 W.L.R. 831, D.C.
- R. v. Secretary of State for the Home Department, *Ex parte Ruddock* [1987] 1 W.L.R. 1482; [1987] 2 All E.R. 518. **Considered**, *R. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd.* [1995] 1 W.L.R. 386, D.C.
- R. v. Secretary of State for the Home Department, *Ex parte Swati* [1986] 1 W.L.R. 477; [1986] 1 All E.R. 717, C.A. **Considered**, *R. v. Inland Revenue Comrs., Ex parte Caglar* (1995) T.C. Leaflet No. 3444
- R. v. Secretary of State for Social Services, *Ex parte Child Poverty Action Group* [1990] 2 Q.B. 540; [1989] 3 W.L.R. 1116; [1989] 1 All E.R. 1047, C.A. **Applied**, *R. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd.* [1995] 1 W.L.R. 386, D.C.
- R. v. Secretary of State for Transport, *Ex parte Factortame Ltd. (No. 2)* (Case C-213/89) [1991] 1 A.C. 603; [1990] 3 W.L.R. 818; [1991] 1 All E.R. 70, E.C.J. **Applied**, *Francovich v. Italian Republic (Case C-6/90)* [1995] I.C.R. 722, E.C.J.

- R. v. Scott [1975] A.C. 819, 840; [1974] 3 W.L.R. 741; [1974] 3 All E.R. 1032, H.L.(E.). **Dictum of Viscount Dilhorne applied**, *Adams v. The Queen* [1995] 1 W.L.R. 52, P.C.
- R. v. Sharp (Colin) [1988] 1 W.L.R. 7; [1988] 1 All E.R. 65; 86 Cr.App.R. 274, H.L.(E.). **Applied**, *R. v. Aziz* [1995] 3 W.L.R. 53, H.L.(E.)
- R. v. Shephard (1991) 93 Cr.App.R. 139, C.A.; [1993] A.C. 380; [1993] 2 W.L.R. 102; [1993] 1 All E.R. 225; 96 Cr.App.R. 345, H.L.(E.). **Applied**, *R. v. Medway Magistrates' Court, Ex parte Goddard* [1995] R.T.R. 206, D.C.; *Darby v. Director of Public Prosecutions* [1995] R.T.R. 294, D.C.
- R. v. Shepherd [1994] 1 W.L.R. 530; [1994] 2 All E.R. 242; [1994] R.T.R. 49; 99 Cr.App.R. 39, C.A. **Applied**, *R. v. Rayner*; *R. v. Wing* [1995] R.T.R. 119, C.A. **Considered**, *R. v. Asquith* [1995] R.T.R. 54, C.A.
- R. v. Sidhu (1976) 63 Cr.App.R. 24, 27, C.A. **Dictum of Lawton L.J. applied**, *R. v. Asghar* [1995] 1 Cr.App.R. 223, C.A.
- R. v. Simmonds [1969] 1 Q.B. 685; [1967] 3 W.L.R. 367; [1967] 2 All E.R. 200, C.A. **Considered**, *R. v. Kellard* [1995] 2 Cr.App.R. 134, C.A.
- R. v. Smith (Sidney) (1845) 1 Cox C.C. 260. **Applied**, *C. (A Minor) v. Director of Public Prosecutions* [1995] 2 W.L.R. 383, H.L.(E.)
- R. v. Smurthwaite [1994] 1 All E.R. 898; 98 Cr.App.R. 437, C.A. **Applied**, *R. v. Latif* [1995] 1 Cr.App.R. 270, C.A.
- R. v. Somerset County Council, *Ex parte Fewings* [1995] 1 All E.R. 513. **Decision of Laws J. affirmed** [1995] 1 W.L.R. 1037, C.A.
- R. v. Southampton Justices, *Ex parte Green* [1976] Q.B. 11; [1975] 3 W.L.R. 277; [1975] 2 All E.R. 1073, C.A. **Distinguished**, *R. v. Maidstone Crown Court, Ex parte Lever* [1995] 1 W.L.R. 928, C.A.
- R. v. Steer [1988] A.C. 111; [1987] 3 W.L.R. 205; [1987] 2 All E.R. 833; 85 Cr.App.R. 352, H.L.(E.). **Applied**, *R. v. Webster* [1995] 2 All E.R. 168; [1995] 1 Cr.App.R. 492, C.A.
- R. v. Stockwell (1993) 97 Cr.App.R. 260, C.A. **Applied**, *R. v. Clarke* [1995] 2 Cr.App.R. 425, C.A.
- R. v. Tarry [1970] 2 Q.B. 560; [1970] 2 W.L.R. 1034; [1970] 2 All E.R. 185, C.A. **Applied**, *R. v. Moore (Deborah)* [1995] Q.B. 353; [1995] 2 W.L.R. 728, C.A.
- R. v. Thorne (1978) 66 Cr.App.R. 6, 12, C.A. **Dictum of Lawton L.J. considered**, *R. v. Kellard* [1995] 2 Cr.App.R. 134, C.A.
- R. v. Thornton (Brian) [1995] 1 Cr.App.R. 578, C.A. **Considered**, *R. v. Slater* [1995] 1 Cr.App.R. 584, C.A.
- R. v. Thorpe [1972] 1 W.L.R. 342; [1972] 1 All E.R. 929, C.A. **Applied**, *R. v. Woodward (Terence)* [1995] 1 W.L.R. 375, C.A.
- R. v. Turnbull [1977] Q.B. 224; [1976] 3 W.L.R. 445; [1976] 3 All E.R. 549, C.A. **Applied**, *Mills v. The Queen* [1995] 1 W.L.R. 511, P.C.
- R. v. Turner [1974] A.C. 357, 365-366; [1973] 3 W.L.R. 352; [1973] 3 All E.R. 124, H.L.(E.). **Dictum of Lord Reid applied**, *R. v. Dealy* [1995] 1 W.L.R. 658, C.A.
- R. v. Turner (Terence) [1975] Q.B. 834, 841; [1975] 2 W.L.R. 56; [1975] 1 All E.R. 70; 60 Cr.App.R. 80, C.A. **Applied**, *R. v. Clarke* [1995] 2 Cr.App.R. 425, C.A. **Dictum of Lawton L.J. applied**, *R. v. Hurst* [1975] 1 Cr.App.R. 82, C.A.
- R. v. Vickers [1975] 1 W.L.R. 811; [1975] 2 All E.R. 945; 61 Cr.App.R. 48, C.A. **Considered**, *R. v. Eriemo* [1995] 2 Cr.App.R. 206, C.A.
- R. v. Vye [1993] 1 W.L.R. 471; [1993] 3 All E.R. 241; 97 Cr.App.R. 134, C.A. **Applied**, *R. v. Aziz* [1995] 3 W.L.R. 53, H.L.(E.); *R. v. Durbin* [1995] 2 Cr.App.R. 84, C.A.; *R. v. Fulcher* [1995] 2 Cr.App.R. 251
- R. v. Walters [1979] R.T.R. 220; 69 Cr.App.R. 115, C.A. **Applied**, *R. v. Wells* [1995] 2 Cr.App.R. 417, C.A.
- R. v. Watson [1988] Q.B. 690; [1988] 2 W.L.R. 1156; [1988] 1 All E.R. 897, C.A. **Applied**, *Crosdale v. The Queen* [1995] 1 W.L.R. 864, P.C.
- R. v. Weekes (1992) 97 Cr.App.R. 222, 226, 227. **Dicta of Farquharson L.J. applied**, *R. v. Weerdesteijn* [1995] 1 Cr.App.R. 405, C.A.
- R. v. Whitechurch [1881] 7 Q.B. 534, C.A. **Considered**, *Botross v. Hammersmith and Fulham London Borough Council* (1994) 93 L.G.R. 268, D.C.
- R. v. Williams [1923] 1 K.B. 340, C.C.A. **Considered**, *R. v. Linekar* [1995] Q.B. 250; [1995] 2 W.L.R. 237, C.A.
- R. v. Williams (Clarence) (1986) 84 Cr.App.R. 299, C.A. **Applied**, *R. v. Fulcher* [1995] 2 Cr.App.R. 251, C.A.
- R. v. Wright [1994] Crim.L.R. 55. **Approved**, *R. v. Gordon (Stafford)* [1995] 2 Cr.App.R. 61, C.A.; *R. v. Morris* [1995] 2 Cr.App.R. 69, C.A.
- Radford v. De Froberville [1977] 1 W.L.R. 1262; [1978] 1 All E.R. 33. **Considered**, *Ruxley Electronics and Constructions Ltd. v. Forsyth* [1995] 3 W.L.R. 118, H.L.(E.)

- Ramsaran v. Attorney-General of St. Christopher and Nevis (1986) 38 W.I.R. 160. **Overruled**, *Ho Young v. Bess* [1995] 1 W.L.R. 350, P.C.
- Ramsay (W.T.) Ltd. v. Inland Revenue Comrs. [1982] A.C. 300; [1981] 2 W.L.R. 449; [1981] 1 All E.R. 865; 54 T.C. 101, H.L.(E.). **Applied**, *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Ramsey v. Hartley [1977] 1 W.L.R. 686; [1977] 2 All E.R. 673, C.A. **Applied**, *Groveswood Holdings Plc. v. James Capel & Co. Ltd.* [1995] Ch. 80; [1995] 2 W.L.R. 70
- Rankin v. British Coal Corpn. [1995] I.C.R. 774, E.A.T. **Followed**, *Methilhill Bowling Club v. Hunter* [1995] I.C.R. 793, E.A.T. **Not followed**, *Biggs v. Somerset County Council* [1995] I.C.R. 811, E.A.T. **Distinguished**, *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.
- Rao v. Civil Aviation Authority [1994] I.C.R. 495, 502, C.A. **Dicta of Staughton L.J. applied**, *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349, E.A.T.
- Rask v. ISS Kantineservice A/S (Case C-209/91) [1992] E.C.R. I-5755, E.C.J. **Applied**, *Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Kiel und Cronshagen (Case C-392/92)* [1995] I.C.R. 237, E.C.J.
- Rastin v. British Steel Plc. [1994] 1 W.L.R. 732; [1994] 2 All E.R. 641, C.A. **Considered**, *Heer v. Tutton* [1995] 1 W.L.R. 1336, C.A.
- Rasu Maritima S.A. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Government of the Republic of Indonesia intervening) (Pertamina) [1978] Q.B. 644; [1977] 3 W.L.R. 518; [1977] 3 All E.R. 324, C.A. **Considered**, *Mercedes Benz A.G. v. Leiduck* [1995] 3 W.L.R. 718, P.C.
- Ratnagopal v. Attorney-General [1970] A.C. 974; [1969] 3 W.L.R. 1056, P.C. **Distinguished**, *Bethel v. Douglas* [1995] 1 W.L.R. 794, P.C.
- Ratnam v. Cumarasamy [1965] 1 W.L.R. 8; [1964] 3 All E.R. 933, P.C. **Applied**, *Savill v. Southend Health Authority* [1995] 1 W.L.R. 1254, C.A.
- Ratten v. The Queen [1972] A.C. 378; [1971] 3 W.L.R. 930; [1971] 3 All E.R. 801, P.C. **Applied**, *Mills v. The Queen* [1995] 1 W.L.R. 511, P.C.
- Read v. Bishop of Lincoln [1891] P. 9. **Applied**, *In re St. John the Evangelist, Chopwell* [1995] Fam. 254; [1995] 3 W.L.R. 606
- Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food [1963] .C. 691; [1963] 2 W.L.R. 439; [1963] 1 All E.R. 545; [1963] 1 Lloyd's Rep. 12, H.L.(E.). **Considered**, *Zeeland Navigation Co. Ltd. v. Banque Worms* [1995] 1 Lloyd's Rep. 251
- Redmond (Dr. Sophie) Stichting v. Bartol (Case C-29/91) [1992] E.C.R. I-3189, E.C.J. **Applied**, *Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Kiel und Cronshagen (Case C-392/92)* [1995] I.C.R. 237, E.C.J.
- Regent Oil Co. Ltd. v. Strick [1966] A.C. 295; [1965] 3 W.L.R. 636; [1965] 3 All E.R. 174; 43 T.C. 1; H.L.(E.). **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- Reid v. Cupper [1915] 2 K.B. 147, C.A. **Applied**, *Brookes v. Harris* [1995] 1 W.L.R. 918
- Reid (Junior) v. The Queen [1990] 1 A.C. 363; [1989] 3 W.L.R. 771; [1993] 4 All E.R. 95, P.C. **Applied**, *Mills v. The Queen* [1995] 1 W.L.R. 511, P.C.
- Rena K., The [1979] Q.B. 377; [1978] 3 W.L.R. 431; [1979] 1 All E.R. 397. **Applied**, *Gidrxsline Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda.* [1995] 1 W.L.R. 299
- Revic v. Prentice Hall Incorporated [1969] 1 W.L.R. 157; [1969] 1 All E.R. 772, C.A. **Considered**, *Savill v. Southend Health Authority* [1995] 1 W.L.R. 1254, C.A.
- Rewia, The [1991] 2 Lloyd's Rep. 325, C.A. **Considered**, *Qingdao Ocean Shipping Co.* [1995] 2 Lloyd's Rep. 15
- Rex Williams Leisure Plc., *In re* [1994] Ch. 350; [1994] 3 W.L.R. 745, C.A. **Applied**, *In re Dominion International Group Plc.* [1995] 1 W.L.R. 649
- Rickless v. United Artists Corpn. [1988] Q.B. 40; [1987] 2 W.L.R. 945; [1987] 1 All E.R. 679, C.A. **Considered**, *Richardson v. Pitt-Stanley* [1995] Q.B. 123; [1995] 2 W.L.R. 26; [1995] I.C.R. 303, C.A.
- Riley v. Attorney-General of Jamaica [1983] 1 A.C. 719; [1982] 3 W.L.R. 557; [1982] 3 All E.R. 469, P.C. **Not followed**, *Bradshaw v. Attorney-General of Barbados* [1995] 1 W.L.R. 936, P.C.
- River Rima, The [1988] 1 W.L.R. 758; [1988] 2 All E.R. 641; [1988] 2 Lloyd's Rep. 193, H.L.(E.). **Considered**, *The Lloyd Pacifico* [1995] 1 Lloyd's Rep. 54
- Robertson v. Fleming (1861) 4 Macq. 167, H.L.(Sc.). **Distinguished**, *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)
- Robertson v. Magnet Ltd. (Retail Division) [1993] I.R.L.R. 512, E.A.T. **Not followed**, *Duffy v. Yeomans & Partners Ltd.* [1995] I.C.R. 1, C.A.
- Robinson, *Ex parte*; *In re Robinson* (1883) 22 Ch.D. 816, C.A. **Distinguished**, *In re Thulin* [1995] 1 W.L.R. 165
- Roebuck v. Mungovin [1994] 2 A.C. 224, 234; [1994] 2 W.L.R. 290; [1994] 1 All E.R. 568, H.L.(E.). **Dictum of Lord Browne-Wilkinson applied**, *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 839, C.A. **Distinguished**, *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 271

- Rogers v. Night Riders [1983] R.T.R. 324, C.A. **Considered**, *Aiken v. Stewart Wrightson Members Agency Ltd.* [1995] 1 W.L.R. 1281
- Rolland v. Hart (1871) L.R. 6 Ch.App. 678. **Considered**, *Halifax Mortgage Services Ltd. v. Stepsky* [1995] 3 W.L.R. 701
- Rolled Steel Products (Holdings) Ltd. v. British Steel Corpn. [1986] Ch. 246; [1985] 2 W.L.R. 908; [1985] 3 All E.R. 52, C.A. **Considered**, *Crédit Suisse v. Allerdale Borough Council* [1995] 1 Lloyd's Rep. 315
- Roome v. Edwards [1982] A.C. 279; [1981] 2 W.L.R. 268; [1981] 1 All E.R. 736; 54 T.C. 359, H.L.(E.) **Considered**, *Swires v. Renton* (1991) 64 T.C. 315
- Rose, *In re*; Midland Bank Executor and Trustee Co. Ltd. v. Rose [1949] Ch. 78; [1948] 2 All E.R. 971. **Applied**, *Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd.* [1995] 3 W.L.R. 558
- Rose, *In re*; Rose v. Inland Revenue Comrs. [1952] Ch. 499; [1952] 1 All E.R. 1217, C.A. **Applied**, *Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd.* [1995] 3 W.L.R. 558
- Rose and Frank v. Crompton and Bros. Ltd. [1923] 2 K.B. 261. **Considered**, *Whittles v. Uniholdings Ltd. (No. 2)* (1994) T.C. Leaflet No. 3427
- Ross v. Caunters [1980] Ch. 297; [1979] 3 W.L.R. 605; [1979] 3 All E.R. 580. **Considered**, *White v. Jones* [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)
- Ross v. Collins [1982] Crim.L.R. 368, D.C. **Applied**, *R. v. Jones (Terence)* [1995] Q.B. 235; [1995] 2 W.L.R. 64, C.A.
- Roussel-Uclaf v. G. D. Searle & Co. Ltd. [1978] 1 Lloyd's Rep. 225. **Considered**, *Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah* [1995] 1 Lloyd's Rep. 374
- Rover International Ltd. v. Cannon Film Sales Ltd. [1987] 1 W.L.R. 1597; [1987] 3 All E.R. 986. **Applied**, *In re Dominion International Group Plc.* [1995] 1 W.L.R. 649
- Rowling v. Takaro Properties Ltd. [1988] A.C. 473; [1988] 2 W.L.R. 418; [1988] 1 All E.R. 163, P.C. **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Roy v. Prior [1971] A.C. 470; [1970] 3 W.L.R. 202; [1970] 2 All E.R. 729, H.L.(E.). **Considered**, *Martin v. Watson* [1995] 3 W.L.R. 318, H.L.(E.)
- Royal College of Nursing of the United Kingdom v. Department of Health and Social Security [1981] A.C. 800; [1981] 2 W.L.R. 279; [1981] 1 All E.R. 545, H.L.(E.). **Applied**, *In re S. (Hospital Patient: Court's Jurisdiction)* [1995] 3 W.L.R. 78, C.A.
- Royal Society for the Prevention of Cruelty to Animals v. Cruden [1986] I.C.R. 205, E.A.T. **Considered**, *Charles Robertson (Developments) Ltd. v. White* [1995] I.C.R. 349, E.A.T.
- Roy Scot Trust Ltd. v. Rogerson [1991] 2 Q.B. 297; [1991] 3 W.L.R. 57; [1991] 3 All E.R. 294, C.A. **Considered**, *Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.* [1995] Q.B. 375; [1995] 2 W.L.R. 607, C.A.
- Royse, decd., *In re* [1985] Ch. 22; [1984] 3 W.L.R. 784; [1984] 3 All E.R. 339, C.A. **Applied**, *Whiston v. Whiston* [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A.
- Russell v. Aberdeen Town and Country Bank (1888) 2 T.C. 321, H.L. **Considered**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1994) T.C. Leaflet No. 3422
- Ruxley Electronics and Constructions Ltd. v. Forsyth [1994] 1 W.L.R. 650; [1994] 3 All E.R. 801, C.A. **Decision of the Court of Appeal reversed** [1995] 3 W.L.R. 118, H.L.(E.)
- S. (A Minor) (Adoption), *In re* [1993] 2 F.L.R. 204, C.A. **Applied**, *In re D. (Minors) (Adoption Reports: Confidentiality)* [1995] 1 W.L.R. 356, C.A.
- S. (Hospital Patient: Court's Jurisdiction), *In re* [1995] Fam. 26. **Decision of Hale J. affirmed** [1995] 3 W.L.R. 78, C.A.
- S. v. S. (Financial Provision: Post-Divorce Cohabitation) [1994] 2 F.L.R. 228. **Doubted**, *Hewitson v. Hewitson* [1995] Fam. 100; [1995] 2 W.L.R. 287, C.A.
- S.B.A. Properties Ltd., *In re* [1967] 1 W.L.R. 799; [1967] 2 All E.R. 615. **Distinguished**, *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
- SN Group Plc. v. Barclays Bank Plc. [1993] B.C.C. 506. **Considered**, *In re A Company (No. 007923 of 1994)* [1995] 1 W.L.R. 953, C.A.
- Saif Ali v. Sydney Mitchell & Co. [1980] A.C. 198, 202; [1978] 3 W.L.R. 849; [1978] 3 All E.R. 1033, H.L.(E.). **Dicta of Lord Diplock applied**, *FilmLab Systems International Ltd. v. Pennington* [1995] 1 W.L.R. 673
- Sainsbury (J.) Ltd. v. Savage [1981] I.C.R. 1, C.A. **Considered**, *Post Office v. Adekeye* [1995] I.C.R. 540, E.A.T.
- St. Ann's, Kew, *In re* [1977] Fam. 12; [1976] 3 W.L.R. 301; [1976] 1 All E.R. 461. **Applied**, *In re St. Michael and All Angels, Tettenhall Regis* [1995] Fam. 179; [1995] 3 W.L.R. 299
- St. Aubyn v. Attorney-General [1952] A.C. 15, 22, 29, 49; [1951] 2 All E.R. 473, H.L. **Dicta of Lord Simonds and of Lord Radcliffe applied**, *Ingram v. Inland Revenue Comrs.* [1995] 4 All E.R. 334

- St. Gregory's, Tredington, *In re* [1972] Fam. 236; [1971] 2 W.L.R. 796; [1971] 3 All E.R. 269. **Considered**, *In re St. John's with Holy Trinity, Deptford* [1995] 1 W.L.R. 721
- St. John the Evangelist, Bierley, *In re* [1989] Fam. 60; [1989] 3 W.L.R. 373; [1989] 3 All E.R. 214. **Considered**, *In re St. Thomas, Pennywell* [1995] Fam. 50; [1995] 2 W.L.R. 154
- St. Luke the Evangelist, Maidstone, *In re* [1995] Fam. 1; [1994] 3 W.L.R. 1165; [1995] 1 All E.R. 321. **Applied**, *In re St. Michael and All Angels, Tettenhall Regis* [1995] Fam. 179; [1995] 3 W.L.R. 299
- St. Margaret's, Eartham, *In re* [1981] 1 W.L.R. 1129. **Applied**, *In re St. Edmund's Churchyard, Gateshead* [1995] Fam. 172; [1995] 3 W.L.R. 253
- St. Mary, Tyne Dock, *In re* [1954] P. 369; [1954] 2 W.L.R. 1129; [1954] 2 All E.R. 339. **Considered**, *In re St. John the Evangelist, Chopwell* [1995] Fam. 254; [1995] 3 W.L.R. 606
- St. Mary's, Barnes, *In re* [1982] 1 W.L.R. 531; [1982] 1 All E.R. 456. **Applied**, *In re St. Michael and All Angels, Tettenhall Regis* [1995] Fam. 179; [1995] 3 W.L.R. 299
- St. Saviour's Church, Walthamstow, *In re* [1951] P. 147; [1950] 2 All E.R. 812, Arches Ct. **Applied**, *In re St. John the Evangelist, Chopwell* [1995] Fam. 254; [1995] 3 W.L.R. 606
- St. Thomas, Pennywell, *In re* [1995] Fam. 50; [1995] 2 W.L.R. 154. **Applied**, *In re St. John the Evangelist, Chopwell* [1995] Fam. 254; [1995] 3 W.L.R. 606
- Sankar v. State of Trinidad and Tobago [1995] 1 W.L.R. 194, P.C. **Applied**, *Crosdale v. The Queen* [1995] 1 W.L.R. 864, P.C.
- Santos v. Santos [1972] Fam. 247; [1972] 2 W.L.R. 889; [1972] 2 All E.R. 246, C.A. **Considered**, *Holmes v. Mitchell* (1990) 63 T.C. 718
- Sargent v. Customs and Excise Comrs. [1994] 1 W.L.R. 235. **Decision of Judge Paul Baker Q.C. sitting as a judge of the Chancery Division varied** [1995] 1 W.L.R. 821, C.A.
- Saris v. Westminster Transports S.A. [1994] 1 Lloyd's Rep. 115. **Not followed**, *Dong Wha Enterprise Co. Ltd. v. Crownson Shipping Ltd.* [1995] 1 Lloyd's Rep. 113
- Savings & Investment Bank Ltd. v. Gasco Investments (Netherlands) B.V. [1984] 1 W.L.R. 271; [1984] 1 All E.R. 296. **Not followed**, *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
- Scarisbrick, *In re* [1951] Ch. 622, 650-651, 655; [1951] 1 All E.R. 822, C.A. **Dictum of Jenkins L.J. considered**, *In re Segelman, decd.* [1995] 3 All E.R. 676
- Schmidt, *In re* [1995] 1 A.C. 339; [1994] 3 W.L.R. 228; [1994] 2 All E.R. 784, H.L.(E.). **Applied**, *R. v. Comr. of Police of the Metropolis, Ex parte Bennett* [1995] Q.B. 313; [1995] 2 W.L.R. 598, D.C.
- Schmidt v. Austicks Bookshops Ltd. [1978] I.C.R. 85, E.A.T. **Distinguished**, *Smith v. Safeway Plc.* [1995] I.C.R. 472, E.A.T.
- Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Keil und Cronshagen (Case C-392/92) [1994] I.R.L.R. 302, E.C.J. **Applied**, *Kelman v. Care Contract Services Ltd.* [1995] I.C.R. 260, E.A.T.
- Scott v. Lord Hastings (1858) 4 K. & J. 633. **Applied**, *United Bank of Kuwait Plc. v. Sahib* [1995] 2 W.L.R. 94
- Secretary of State for Employment v. ASLEF (No. 2) [1972] 2 Q.B. 455; [1972] 2 W.L.R. 1370; [1972] I.C.R. 19; [1972] 2 All E.R. 949, C.A. **Considered**, *Kelsall v. Stipplechoice Ltd.* (1995) T.C. Leaflet No. 3439, C.A.
- Secretary of State for Scotland v. Wright [1991] I.R.L.R. 187, E.A.T. **Not followed**, *Biggs v. Somerset County Council* [1995] I.C.R. 811, E.A.T.
- Segal Securities Ltd. v. Thoseby [1963] 1 Q.B. 887; [1963] 2 W.L.R. 403; [1963] 1 All E.R. 500. **Distinguished**, *In re A Debtor (No. 13A-IO-1995)* [1995] 1 W.L.R. 1127
- Seneviratne v. The Queen [1936] 3 All E.R. 36, 49. **Dicta of Lord Roche applied**, *R. v. Russell-Jones* [1995] 1 Cr.App.R. 538, C.A.
- Sevenoaks Stationers (Retail) Ltd., *In re* [1991] Ch. 164; [1990] 3 W.L.R. 1165; [1991] 3 All E.R. 578, C.A. **Considered**, *In re Grayan Building Services* [1995] 3 W.L.R. 1, C.A.
- Sheffield Corpn. v. Barclay [1905] A.C. 392, H.L.(E.). **Applied**, *Triad Shipping Co. v. Stellar Chartering & Brokerage Inc.* [1995] 1 All E.R. 595, C.A.
- Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd. [1994] 3 W.L.R. 999; [1994] 4 All E.R. 481, C.A. **Decision of the Court of Appeal reversed** [1995] 2 W.L.R. 570, H.L.(E.)
- Shell International Chemical Co. Ltd. v. Commission of the European Communities (Case T-11/89) [1992] E.C.R. II-757, C.F.I. **Applied**, *Viho Europe B.V. v. Commission of the European Communities (Case T-102/92)* [1995] I.C.R. 1050, C.F.I.
- Shelper v. City of London Electric Lighting Co. [1895] 1 Ch. 287, C.A. **Applied**, *Jaggard v. Sawyer* [1995] 1 W.L.R. 269, C.A.
- Sherrocks v. McIntosh (1989) 62 T.C. 675. **Applied**, *Nuttall v. Barrett* (1992) 64 T.C. 548
- Shiloh Spinners Ltd. v. Harding [1973] A.C. 691; [1973] 2 W.L.R. 28; [1973] 1 All E.R. 90, H.L.(E.). **Applied**, *Nutting v. Baldwin* [1995] 1 W.L.R. 201

- Shilton v. Wilmshurst [1991] 1 A.C. 684; [1991] 2 W.L.R. 530; [1991] 3 All E.R. 148; 64 T.C. 78, H.L.(E.). **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Sidaway v. Board of Governors of the Bethlem Royal Hospital and the Maudsley Hospital [1985] A.C. 871; [1985] 2 W.L.R. 480; [1985] 1 All E.R. 643, H.L.(E.). **Considered**, *R. v. Mid Glamorgan Family Health Services Authority, Ex parte Martin* [1995] 1 W.L.R. 110, C.A.
- Sidebotham v. Holland [1895] 1 Q.B. 378, C.A. **Distinguished**, *Mannai Investment Co. Ltd. v. Eagle Star Life Assurance Co. Ltd.* [1995] 1 W.L.R. 1508, C.A.
- Sifam Electrical Instrument Co. Ltd. v. Sangamo Weston Ltd. [1971] 2 All E.R. 1074; [1995] R.T.R. 68. **Applied**, *R. v. Registered Designs Appeal Tribunal, Ex parte Ford Motor Co. Ltd.* [1995] 1 W.L.R. 18, H.L.(E.)
- Simmons v. Midford [1969] 2 Ch. 415; [1969] 3 W.L.R. 168; [1969] 2 All E.R. 1269. **Overruled in part**, *Melluish v. B.M.I. (No. 3) Ltd.* [1995] 3 W.L.R. 630, H.L.(E.)
- Siskina (Owners of cargo lately laden on board) v. Distos Compania Naviera S.A. [1979] A.C. 210, 256; [1977] 3 W.L.R. 818; [1977] 3 All E.R. 803; [1978] 1 Lloyd's Rep. 1, H.L.(E.). **Applied**, *Mercedes Benz A.G. v. Leiduck* [1995] 3 W.L.R. 718, P.C. **Dictum of Lord Diplock considered**, *Newport Association Football Club Ltd. v. Football Association of Wales Ltd.* [1995] 2 All E.R. 87. **Considered**, *Department of Social Security v. Butler* [1995] 1 W.L.R. 1528, C.A.
- Slim v. Daily Telegraph Ltd. [1968] 2 Q.B. 157; [1968] 2 W.L.R. 599; [1968] 1 All E.R. 497, C.A. **Applied**, *Charleston v. News Group Newspapers Ltd.* [1995] 2 A.C. 65; [1995] 2 W.L.R. 450, H.L.(E.)
- Smith v. East Elloe R.D.C. [1956] A.C. 736, 769-770; [1956] 2 W.L.R. 888; [1956] 1 All E.R. 855; 54 L.G.R. 233, H.L.(E.). **Dicta of Lord Radcliffe applied**, *R. v. Wicks* (1995) 93 L.G.R. 377, C.A.
- Smith v. Eric S. Bush [1990] 1 A.C. 831; [1989] 2 W.L.R. 790; [1989] 2 All E.R. 514, H.L.(E.). **Considered**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Smith v. Stokes (1801) 1 East 363. **Applied**, *In re Dennis (A Bankrupt)* [1995] 3 W.L.R. 367, C.A.
- Sobell v. Boston [1975] 1 W.L.R. 1587; [1975] 2 All E.R. 282. **Considered**, *Popat v. Shonchhatra* [1995] 1 W.L.R. 908
- Società Italiana Vetro S.p.A. v. Commission of the European Communities (Cases T-68, T-77 and 78/79 [1992] E.C.R. II-1403, C.F.I. **Applied**, *Viho Europe B.V. v. Commission of the European Communities (Case T-102/92)* [1995] I.C.R. 1050, C.F.I.
- Société Commerciale de Réassurance v. Eras (International) Ltd. [1992] 2 All E.R. 82n., C.A. **Applied**, *Aiken v. Stewart Wrightson Members Agency Ltd.* [1995] 1 W.L.R. 1281
- Société Nationale Industrielle Aerospatiale v. Lee Kui Jak [1987] A.C. 871, 893; [1987] 3 W.L.R. 59; [1987] 3 All E.R. 510, P.C. **Dictum of Lord Goff of Chieveley applied**, *Société Commerciale de Réassurance v. Eras International Ltd. (No. 2)* [1995] 2 All E.R. 278
- Somasundaram v. M. Julius Melchoir & Co. [1988] 1 W.L.R. 1394, 1400, 1402-1403; [1989] 1 All E.R. 129, C.A. **Dictum of May L.J. considered**, *Smith v. Linskills* [1995] 3 All E.R. 226
- South Staffordshire Water Co. v. Sharman [1896] 2 Q.B. 44, D.C. **Considered**, *Waverley Borough Council v. Fletcher* [1995] 3 W.L.R. 772, C.A.
- Sovmots Investments Ltd. v. Secretary of State for the Environment [1979] A.C. 144, 168; [1977] 2 W.L.R. 951; [1977] 2 All E.R. 385, H.L.(E.). **Dicta of Lord Wilberforce applied**, *Wheeler v. J.J. Saunders Ltd.* [1995] 3 W.L.R. 466, C.A.
- Spijkers v. Gebroeders Benedik Abattoir C.V. (Case 24/85) [1986] E.C.R. 1119, E.C.J. **Applied**, *Schmidt v. Spar- und Leihkasse der früheren Ämter Bordesholm, Kiel und Cronshagen (Case C-392/92)* [1995] I.C.R. 237, E.C.J.
- Spiliada Maritime Corpn. v. Cansulex Ltd. [1987] A.C. 460; [1986] 3 W.L.R. 972; [1986] 3 All E.R. 843; [1987] 1 Lloyd's Rep. 1, H.L.(E.). **Applied**, *Bank of Credit and Commerce Hong Kong Ltd. v. Sonali Bank* [1995] 1 Lloyd's Rep. 227. **Considered**, *Egon Oldendorff v. Libera Corpn.* [1995] 2 Lloyd's Rep. 64; *Société Commerciale de Réassurance v. Eras International Ltd. (No. 2)* [1995] 2 All E.R. 278
- Spring v. Guardian Assurance Plc. [1995] 2 A.C. 296, 327; [1994] 3 W.L.R. 354; [1994] 3 All E.R. 129, H.L.(E.). **Dicta of Lord Lowry applied**, *Allied Maples Group Ltd. v. Simmons & Simmons* [1995] 1 W.L.R. 1602, C.A. **Considered**, *West Wiltshire District Council v. Garland (Cond, Third Party)* [1995] Ch. 297; [1995] 2 W.L.R. 439, C.A.
- Stableford v. Liverpool General Comrs. [1983] S.T.C. 162. **Considered**, *Delapage Ltd. v. Highbury General Comrs.* (1992) 64 T.C. 560
- Stancomb v. Trowbridge Urban District Council [1910] 2 Ch. 190. **Applied**, *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.)
- Stanley v. Compton [1951] 1 All E.R. 859, 863, C.A. **Dictum of Denning L.J. applied**, *Keepers and Governors of the Possessions Revenues and Goods of the Free Grammar School of John Lyon v. James* [1995] 3 W.L.R. 908, C.A.
- Starke v. Inland Revenue Comrs. [1994] 1 W.L.R. 888. **Decision of Blackburne J. affirmed** [1995] 1 W.L.R. 1439, C.A.

- State Trading Corpn. of India Ltd. v. Golodetz Ltd. [1989] 2 Lloyd's Rep. 277, 286, C.A. **Dictum of Kerr L.J. applied**, *Vitol S.A. v. Norelf Ltd.* [1995] 3 W.L.R. 549, C.A.
- Steenhorst-Neerings v. Bestuur van de Bedrijfsvereniging voor Detailhandel, Ambachten en Huisvrouwen (Case C-338/91) [1993] E.C.R. I-5475, E.C.J. **Applied**, *Johnson v. Chief Adjudication Officer (Case C-410/92)* [1995] I.C.R. 375, E.C.J.
- Stein v. Blake [1994] Ch. 16; [1993] 3 W.L.R. 718; [1993] 4 All E.R. 225, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1995] 2 W.L.R. 710, H.L.(E.)
- Stephens v. Cuckfield Rural District Council [1960] 2 Q.B. 373, 383; [1960] 3 W.L.R. 248; [1960] 2 All E.R. 716, C.A. **Dictum of Upjohn L.J. applied**, *Director of Public Prosecutions v. Johnson* [1995] 1 W.L.R. 728, D.C.
- Stevens v. Bexley Health Authority [1989] I.C.R. 224, E.A.T. **Considered**, *Rankin v. British Coal Corpn.* [1995] I.C.R. 774, E.A.T.
- Stoke-on-Trent City Council v. W. & J. Wass Ltd. [1988] 1 W.L.R. 1406; [1988] 3 All E.R. 394, C.A. **Applied**, *Invergie Investments Ltd. v. Hackett* [1995] 1 W.L.R. 713, P.C.
- Stokes v. Costain Property Investments Ltd. [1984] 1 W.L.R. 763; [1984] 1 All E.R. 849, C.A. **Applied**, *Melluish v. B.M.I. (No. 3) Ltd.* [1995] 3 W.L.R. 630, H.L.(E.)
- Supply of Ready Mixed Concrete, *In re* [1992] Q.B. 213; [1991] 3 W.L.R. 707; [1992] I.C.R. 229; [1992] 4 All E.R. 150, C.A. **Overruled**, *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.).
- Supply of Ready Mixed Concrete (No. 2), *In re* [1994] I.C.R. 57, C.A. **Decision of the Court of Appeal reversed** [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.)
- Supply of Ready Mixed Concrete (No. 2), *In re* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.). **Applied**, *Meridian Global Funds Management Asia Ltd. v. Securities Commission* [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.
- Surrey County Council v. Bredero Homes Ltd. [1993] 1 W.L.R. 1361; [1993] 3 All E.R. 705, C.A. **Considered**, *Jaggard v. Sawyer* [1995] 1 W.L.R. 269, C.A.
- Swain v. Gillett [1974] R.T.R. 446, D.C. **Applied**, *Darby v. Director of Public Prosecutions* [1995] R.T.R. 294, D.C.
- Swingcastle Ltd. v. Alastair Gibson [1991] 2 A.C. 223; [1991] 2 W.L.R. 1091; [1991] 2 All E.R. 353, H.L.(E.). **Applied**, *Banque Bruxelles Lambert S.A. v. Eagle Star Insurance Co. Ltd.* [1995] Q.B. 375; [1995] 2 W.L.R. 607, C.A.; *First National Commercial Bank Plc. v. Humberts* [1995] 2 All E.R. 673, C.A.
- Swordheath Properties Ltd. v. Tabet [1979] 1 W.L.R. 285; [1979] 1 All E.R. 240, C.A. **Applied**, *Invergie Investments Ltd. v. Hackett* [1995] 1 W.L.R. 713, P.C.
- Sybron Corpn. v. Barclays Bank Plc. [1985] Ch. 299; [1984] 3 W.L.R. 1055. **Applied**, *Omar v. Omar* [1995] 1 W.L.R. 1428
- Talbot v. Cadge [1995] 2 A.C. 394, 399 et seq.; [1994] 4 All E.R. 300. **Decision of Lightman J. varied**, *Powdrill v. Watson* [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] 2 All E.R. 65, H.L.(E.)
- Talbot v. Grundy [1995] 2 A.C. 394, 399 et seq.; [1994] 4 All E.R. 300. **Decision of Lightman J. varied**, *Powdrill v. Watson* [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] 2 All E.R. 65, H.L.(E.)
- Taly N.D.C. International N.V. v. Terra Nova Insurance Co. Ltd. [1985] 1 W.L.R. 1359; [1986] 1 All E.R. 69; [1986] 1 Lloyd's Rep. 29, C.A. **Applied**, *Bowring (C.T.) & Co. (Insurance) Ltd. v. Corsi Partners Ltd.* [1994] 2 Lloyd's Rep. 567, C.A.
- Target Holdings Ltd. v. Redfern [1994] 1 W.L.R. 1089; [1994] 2 All E.R. 337, C.A. **Decision of the Court of Appeal reversed** [1995] 3 W.L.R. 352, H.L.(E.)
- Tasmania (Owners of) v. City of Corinth (Owners of) (1890) 15 App.Cas. 223, H.L.(E.). **Applied**, *Hoecheong Products Co. Ltd. v. Cargill Hong Kong Ltd.* [1995] 1 W.L.R. 404, P.C.
- Taylor v. Rajan [1974] Q.B. 424; [1974] 2 W.L.R. 385; [1974] 1 All E.R. 1087; [1974] R.T.R. 304; 59 Cr.App.R. 11, 15, D.C. **Applied**, *Director of Public Prosecutions v. Knight (Note)* (1988) [1994] R.T.R. 374, D.C.
- Taylor (J.) v. Taylor (I.L.) [1970] 1 W.L.R. 1148; [1970] 2 All E.R. 609, C.A. **Applied**, *Brinks Ltd. v. Abu-Saleh (No. 2)* [1995] 1 W.L.R. 1487
- Telegraph Plc., *Ex parte* The [1993] 1 W.L.R. 980; [1993] 2 All E.R. 971; 98 Cr.App.R. 91, C.A. **Considered**, *M.G.N. Pension Trustees Ltd. v. Bank of America National Trust and Savings Association* [1995] 2 All E.R. 355
- Tesco Supermarkets Ltd. v. Natrass [1972] A.C. 153, [1972] 2 W.L.R. 1166; [1971] 2 All E.R. 127, H.L.(E.). **Applied**, *Meridian Global Funds Management Asia Ltd. v. Securities Commission* [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C. **Distinguished**, *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.); *R. v. British Steel Plc.* [1995] 1 W.L.R. 1356, C.A.
- Thake v. Maurice [1986] Q.B. 644; [1986] 2 W.L.R. 337; [1986] 1 All E.R. 497, C.A. **Followed**, *Walkin v. South Manchester Health Authority* [1995] 1 W.L.R. 1543, C.A.
- Thames Guaranty Ltd. v. Campbell [1985] Q.B. 210; [1984] 3 W.L.R. 109; [1984] 2 All E.R. 585, C.A. **Applied**, *United Bank of Kuwait Plc. v. Sahib* [1995] 2 W.L.R. 94

- The Lady Gwendolen, *The* [1965] P. 294; [1965] 3 W.L.R. 91; [1965] 2 All E.R. 283, C.A. **Considered**, *Meridian Global Funds Management Asia Ltd. v. Securities Commission* [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.
- Theseus, *The* (1925) 23 Ll.L.Rep. 136. **Considered**, *The Sava Star* [1995] 2 Lloyd's Rep. 134
- Thompson v. Cartwright (1863) 33 Beav. 178. **Considered**, *Halifax Mortgage Services Ltd. v. Stepsky* [1995] 3 W.L.R. 701
- Thompson's Trustee in Bankruptcy v. Heaton [1974] 1 W.L.R. 605; [1974] 1 All E.R. 1239. **Applied**, *Popat v. Shonchhatra* [1995] 1 W.L.R. 908
- Thomson Newspapers Ltd. v. Canada (Director of Investigation & Research, Restrictive Trade Practices Commission) (1990) 67 D.L.R. (4th) 161. **Applied**, *Bethel v. Douglas* [1995] 1 W.L.R. 794, P.C.
- Thor v. Superior Court (1993) 5 Cal. 4th 725. **Considered**, *Secretary of State for the Home Department v. Robb* [1995] 1 All E.R. 677
- Thornhill v. Attorney-General of Trinidad and Tobago [1981] A.C. 61; [1980] 2 W.L.R. 510, P.C. **Applied**, *Guerra v. Baptiste* [1995] 3 W.L.R. 891, P.C.
- Thornton v. Kirklees Metropolitan Borough Council [1979] Q.B. 626; [1979] 3 W.L.R. 1; [1979] 2 All E.R. 349, C.A. **Considered**, *West Wiltshire District Council v. Garland (Cond, Third Party)* [1995] Ch. 297; [1995] 2 W.L.R. 439, C.A.
- Thuroklint v. Koningin Juliana [1975] 2 Lloyd's Rep. 111, H.L.(E.). **Applied**, *The Devotion and Golden Polydinamos* [1995] 1 Lloyd's Rep. 589, C.A.
- Tinker v. Tinker [1970] P. 136; [1970] 2 W.L.R. 331; [1970] 1 All E.R. 540, C.A. **Considered**, *Tribe v. Tribe* [1995] 3 W.L.R. 913, C.A.
- Tinsley v. Milligan [1994] 1 A.C. 340; [1993] 3 W.L.R. 126; [1993] 3 All E.R. 65, H.L.(E.). **Considered**, *Tribe v. Tribe* [1995] 3 W.L.R. 913, C.A.
- Tito v. Waddell (No. 2) [1977] Ch. 106; [1977] 2 W.L.R. 496; [1977] 3 All E.R. 129. **Considered**, *Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd.* [1995] 2 W.L.R. 570, H.L.(E.); *Ruxley Electronics and Constructions Ltd. v. Forsyth* [1995] 3 W.L.R. 118, H.L.(E.)
- Tiverton and North Devon Railway Co. v. Loosemore (1884) 9 App.Cas. 480, 496, H.L.(E.). **Dicta of Lord Blackburn considered**, *Mid Glamorgan County Council v. Ogwr Borough Council* [1995] 1 W.L.R. 313, H.L.(E.)
- Townrow v. Benson (1818) 3 Madd. 203. **Distinguished**, *Eller v. Grovecrest Investments Ltd.* [1995] Q.B. 272; [1995] 2 W.L.R. 278, C.A.
- Tradax Internacional S.A. v. Cerrahogullari T.A.S. [1981] 3 All E.R. 344; [1981] 2 Lloyd's Rep. 169. **Distinguished**, *Cruden Construction Ltd. v. Commission for the New Towns* [1995] 2 Lloyd's Rep. 387
- Trade Indemnity Co. Ltd. v. Workington Harbour and Dock Board [1937] A.C. 1, H.L.(E.). **Applied**, *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)
- Trafalgar Tours Ltd. v. Henry [1990] 2 Lloyd's Rep. 298, C.A. **Considered**, *Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah* [1995] 1 Lloyd's Rep. 374
- Trans-Britannia Properties Ltd. v. Darby Properties Ltd. [1986] 1 E.G.L.R. 151, 154, C.A. **Dictum of Slade L.J. approved**, *Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd.* [1995] 3 W.L.R. 854, H.L.(E.)
- Trans Trust S.P.R.L. v. Danubian Trading Co. Ltd. [1952] 2 Q.B. 297; [1952] 1 All E.R. 970, C.A. **Applied**, *Deeny v. Gooda Walker Ltd.* [1995] 1 W.L.R. 1206
- Transamerican Ocean Contractors Inc. v. Transchemical Rotterdam B.V. [1978] 1 Lloyd's Rep. 238, C.A. **Considered**, *Swiss Bank Corp. v. Novorissiyk Shipping Co.* [1995] 1 Lloyd's Rep. 202
- Trendtex Trading Corp. v. Central Bank of Nigeria [1977] Q.B. 529; [1977] 2 W.L.R. 356; [1977] 1 All E.R. 881, C.A. **Considered**, *Kuwait Airways Corp. v. Iraqi Airways Co.* [1995] 1 W.L.R. 1147, H.L.(E.)
- Tripodi v. The Queen (1961) 104 C.L.R. 1. **Approved**, *R. v. Gray* [1995] 2 Cr.App.R. 100, C.A.
- Truculent, *The* [1952] P. 1; [1951] 2 All E.R. 968. **Considered**, *Meridian Global Funds Management Asia Ltd. v. Securities Commission* [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.
- Tucker v. Granada Motorway Services Ltd. [1979] 1 W.L.R. 683; [1979] 2 All E.R. 801; T.C. Leaflet No. 2727, H.L.(E.). **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- U.B.A.F. Bank Ltd. v. Davis [1978] I.R.L.R. 442, E.A.T. **Not followed**, *Derwent Coachworks v. Kirby* [1995] I.C.R. 48, E.A.T.
- Unit Construction Co. Ltd. v. Bullock [1960] A.C. 351; [1959] 3 W.L.R. 1022; [1959] 3 All E.R. 831, H.L.(E.) **Applied**, *In re Little Olympian Each Ways Ltd.* [1995] 1 W.L.R. 560
- United City Merchants (Investments) Ltd. v. Royal Bank of Canada [1983] 1 A.C. 168; [1982] 2 W.L.R. 1039; [1982] 2 All E.R. 720, H.L.(E.). **Considered**, *Themehelp Ltd. v. West* [1995] 3 W.L.R. 751, C.A.

- United Dominions Trust Ltd. v. Shellpoint Trustees Ltd. [1993] 4 All E.R. 310, C.A. **Applied**, *Escalus Properties Ltd. v. Robinson* [1995] 3 W.L.R. 524, C.A.
- United Trading Corp'n. S.A. v. Allied Arab Bank Ltd. (Note) [1985] 2 Lloyd's Rep. 554, C.A. **Considered**, *Themehelp Ltd. v. West* [1995] 3 W.L.R. 751, C.A.
- University of Manchester v. Jones [1993] I.C.R. 474, C.A. **Applied**, *London Underground Ltd. v. Edwards* [1995] I.C.R. 574, E.A.T.
- Vadala v. Lawes (1890) 25 Q.B.D. 310, C.A. **Considered**, *Owens Bank Ltd. v. Etoile Commerciale S.A.* [1995] 1 W.L.R. 44, P.C.
- Valleybright Ltd. v. Richardson (1984) 58 T.C. 290. **Followed**, *Brassington v. Guthrie* (1991) 64 T.C. 435; *McGuckian v. Inland Revenue Comrs.* (1994) T.C. Leaflet No. 3412, C.A.
- Van den Berghs Ltd. v. Clark [1935] A.C. 431; 19 T.C. 390. **Considered**, *Vodafone Cellular Ltd. v. Shaw* (1995) T.C. Leaflet No. 3431
- Van Der Zijden Wildhandel N.V. v. Tucker & Cross Ltd. [1975] 2 Lloyd's Rep. 240. **Considered**, *Hoecheong Products Co. Ltd. v. Cargill Hong Kong Ltd.* [1995] 1 W.L.R. 404, P.C.
- Vandepitte v. Preferred Accident Insurance Corp'n. of New York [1933] A.C. 70, P.C. **Distinguished**, *Bradstock Trustee Services Ltd. v. Nabarro Nathanson* [1995] 1 W.L.R. 1405
- Vandervell's Trusts, *In re* [1971] A.C. 912; 46 T.C. 341, H.L.(E.). **Considered**, *R. v. Inland Revenue Comrs., Ex parte Caglar* (1995) T.C. Leaflet No. 3444
- Vel v. Owen [1987] Crim.L.R. 496; 151 J.P. 510. **Followed**, *Halawa v. Federation Against Copyright Theft* [1995] 1 Cr.App.R. 21, D.C.
- Ventouris v. Mountain [1991] 1 W.L.R. 607, 611; [1991] 3 All E.R. 472, C.A. **Dictum of Bingham L.J. applied**, *Barclays Bank Plc. v. Eustice* [1995] 1 W.L.R. 1238, C.A.
- Ventouris v. Mountain (No. 2) [1992] 1 W.L.R. 887; [1992] 3 All E.R. 414, C.A. **Considered**, *Brinks Ltd. v. Abu-Saleh (No. 2)* [1995] 1 W.L.R. 1487
- Veracruz Transportation Inc. v. V. C. Shipping Co. Inc. [1992] 1 Lloyd's Rep. 353, 357, 358-359, C.A. **Applied**, *Department of Social Security v. Butler* [1995] 1 W.L.R. 1528, C.A. **Dictum of Beldam L.J. considered**, *Newport Association Football Club Ltd. v. Football Association of Wales Ltd.* [1995] 2 All E.R. 87. **Considered**, *Qingdao Ocean Shipping Co. v. Grace Shipping Establishment* [1995] 2 Lloyd's Rep. 15
- Vestey v. Inland Revenue Comrs. [1980] A.C. 1148; [1979] 3 W.L.R. 915; [1979] 3 All E.R. 976; 54 T.C. 503, H.L.(E.). **Applied**, *Inland Revenue Comrs. v. Willoughby* (1994) T.C. Leaflet No. 3428, C.A.
- Vitol S.A. v. Norelf Ltd. [1994] 1 W.L.R. 1390; [1994] 4 All E.R. 109. **Decision of Phillips J. reversed** [1995] 3 W.L.R. 549, C.A.
- W. (A Minor) (Secure Accommodation Order), *In re* [1993] 1 F.L.R. 692. **Considered**, *In re M. (A Minor) (Secure Accommodation Order)* [1995] Fam. 108; [1995] 2 W.L.R. 302, C.A.
- Waddon v. Whitecroft Scovell Ltd. [1988] 1 W.L.R. 309; [1988] 1 All E.R. 996, H.L.(E.). **Applied**, *The Al Tabith and Alanfushi* [1995] 2 Lloyd's Rep. 336, C.A.
- Wai Yu-tsang v. The Queen [1992] 1 A.C. 269; [1991] 3 W.L.R. 1006; [1991] 4 All E.R. 664, P.C. **Applied**, *Adams v. The Queen* [1995] 1 W.L.R. 52, P.C.
- Wallersteiner v. Moir (No. 2) [1975] Q.B. 373; [1975] 2 W.L.R. 389; [1975] 1 All E.R. 849, C.A. **Applied**, *McDonald v. Horn* [1995] I.C.R. 685, C.A.
- Walpole v. Partridge & Wilson [1994] Q.B. 106, 120; [1993] 3 W.L.R. 1093; [1994] 1 All E.R. 385, C.A. **Dictum of Ralph Gibson L.J. considered**, *Smith v. Linskills* [1995] 3 All E.R. 226
- Walter & Sullivan Ltd. v. J. Murphy & Sons Ltd. [1955] 2 Q.B. 584; [1955] 2 W.L.R. 919; [1955] 1 All E.R. 843, C.A. **Applied**, *Three Rivers District Council v. Governor and Company of the Bank of England* [1995] 3 W.L.R. 650, C.A.
- Warner Bros. Records Inc. v. Rollgreen Ltd. [1976] Q.B. 430; [1975] 2 W.L.R. 816; [1975] 2 All E.R. 105, C.A. **Considered**, *Three Rivers District Council v. Governor and Company of the Bank of England* [1995] 3 W.L.R. 650, C.A.
- Warnett v. Jones [1980] 1 W.L.R. 413; [1980] I.C.R. 359; 53 T.C. 283. **Distinguished**, *Nichols v. Gibson* (1994) T.C. Leaflet No. 3419
- Watkins v. Watkins [1896] P. 222, C.A. **Applied**, *In re Bradley-Hole (A Bankrupt)* [1995] 1 W.L.R. 1097
- Watters v. Pacific Delivery Service Ltd. (1963) 42 D.L.R. (2d) 661. **Applied**, *Martin v. Watson* [1995] 3 W.L.R. 318, H.L.(E.)
- Watts v. Seven Kings Motor Co. Ltd. [1983] I.C.R. 135, E.A.T. **Considered**, *Drinkwater Sabey Ltd. v. Burnett* [1995] I.C.R. 328, E.A.T.
- Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1992] I.C.R. 445; [1992] 2 All E.R. 43, C.A. **Decision of the Court of Appeal reversed** [1995] 1 W.L.R. 1454; [1995] I.C.R. 1021, H.L.(E.)
- Weddell v. J.A. Pearce & Major [1988] Ch. 26; [1987] 3 W.L.R. 592; [1987] 3 All E.R. 624. **Applied**, *Grovewood Holdings Plc. v. James Capel & Co. Ltd.* [1995] Ch. 80; [1995] 2 W.L.R. 70

- Welsbach Incandescent Gas Lighting Co. v. New Sunlight Incandescent Co. [1900] 2 Ch. 1, C.A. **Considered**, *Det Danske Hedeselskabet v. K.D.M. International Plc.* [1994] 2 Lloyd's Rep. 534
- Welsh v. Chief Constable of the Merseyside Police [1993] 1 All E.R. 692. **Distinguished**, *Elguzouli-Daf v. Comr. of Police of the Metropolis* [1995] Q.B. 335; [1995] 2 W.L.R. 173, C.A.
- Werle & Co. v. Colquhoun (1888) 20 Q.B.D. 753, C.A. **Considered**, *Koenigsberger v. Mellor* (1995) T.C. Leaflet 3438, C.A.
- West Country Cleaners (Falmouth) Ltd. v. Saly [1966] 1 W.L.R. 1485; [1966] 3 All E.R. 210, C.A. **Applied**, *G.S. Fashions Ltd. v. B. & Q. Plc.* [1995] 1 W.L.R. 1088
- West Wiltshire District Council v. Garland (Cond, Third Party) [1993] Ch. 409; [1993] 3 W.L.R. 626; [1993] 4 All E.R. 246. **Decision of Morritt J. reversed in part** [1995] Ch. 297; [1995] 2 W.L.R. 439, H.L.(E.)
- Westcott v. Woolcombers Ltd. (1987) 60 T.C. 575, C.A. **Approved**, *N.A.P. Holdings U.K. Ltd. v. Whittles* (1994) T.C. Leaflet No. 3415, H.L.(E.)
- Westdeutsche Landesbank Girozentrale v. Islington London Borough Council [1994] 1 W.L.R. 938; [1994] 4 All E.R. 890; 92 L.G.R. 405, C.A. **Applied**, *South Tyneside Metropolitan Borough Council v. Svenska International Plc.* [1995] 1 All E.R. 545. **Considered**, *Kleinwort Benson Ltd. v. South Tyneside Metropolitan Borough Council* [1994] 4 All E.R. 972
- Wheeldon v. Burrows (1879) 12 Ch.D. 31, 49, 58, C.A. **Dicta of Cumming-Bruce L.J. applied**, *Wheeler v. J.J. Saunders Ltd.* [1995] 3 W.L.R. 466, C.A.*
- Whimster & Co. v. Inland Revenue Comrs. (1925) 12 T.C. 813. **Considered**, *Fawcett v. Special Comrs. and Lancaster Farmers Auction Mart Co. Ltd.* (1994) T.C. Leaflet No. 3422
- Whiston v. Whiston [1994] 2 F.L.R. 906. **Decision of Thorpe J. reversed** [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A.
- White v. Jones [1993] 3 W.L.R. 730; [1993] 3 All E.R. 481, C.A. **Decision of the Court of Appeal affirmed** [1995] 2 A.C. 207; [1995] 2 W.L.R. 187, H.L.(E.)
- White v. White [1983] Fam. 54; [1983] 2 W.L.R. 872; [1983] 2 All E.R. 51, C.A. **Considered**, *McCann v. Wright* [1995] 1 W.L.R. 1556, C.A.
- Whitley (F.G.) & Sons Co. Ltd. v. Secretary of State for Wales [1992] P.L.R. 72, C.A. **Applied**, *Handoll v. Warner Goodman & Streat* (1994) 93 L.G.R. 293, C.A.
- Wibau Maschinenfabric Hartman S.A. v. Mackinnon Mackenzie & Co. [1989] 2 Lloyd's Rep. 494. **Applied**, *Nelson Pine Industries Ltd. v. Seatrans New Zealand Ltd.* [1995] 2 Lloyd's Rep. 290
- Wickens v. Champion Employment [1984] I.C.R. 365, E.A.T. **Distinguished**, *McMeechan v. Secretary of State for Employment* [1995] I.C.R. 445, E.A.T.
- Wicks v. Firth [1983] 2 A.C. 214; [1983] 2 W.L.R. 34; [1983] 1 All E.R. 151; 56 T.C. 318, H.L.(E.). **Considered**, *Wilcox v. Eve* (1994) T.C. Leaflet No. 3420
- Williams v. Roffey Bros. & Nicholls (Contractors) Ltd. [1991] 1 Q.B. 1; [1990] 2 W.L.R. 1153; [1990] 1 All E.R. 512, C.A. **Distinguished**, *In re Selectmove Ltd.* [1995] 1 W.L.R. 474, C.A.
- Williams v. Williams [1988] Q.B. 161, 169; [1987] 3 W.L.R. 790; [1987] 3 All E.R. 257, C.A. **Dictum of Sir John Donaldson M.R. applied**, *Khanna v. Lovell White Durrant* [1995] 1 W.L.R. 121
- Willment (John) (Ashford) Ltd., *In re* [1980] 1 W.L.R. 73; [1979] 2 All E.R. 615. **Applied**, *Sargent v. Customs and Excise Comrs.* [1995] 1 W.L.R. 821, C.A.
- Willmore v. South Eastern Electricity Board [1957] 2 Lloyd's Rep. 375. **Approved**, *Norweb Plc. v. Dixon* [1995] 1 W.L.R. 636, D.C.
- Wimpy International Ltd. v. Warland (1988) 61 T.C. 51, Hoffmann J. and C.A. **Considered**, *Gray v. Seymours Garden Centre (Horticulture)* (1995) T.C. Leaflet No. 3443, C.A.
- Wiseman v. Borneman [1971] A.C. 297; [1969] 3 W.L.R. 706; [1969] 3 All E.R. 275, H.L.(E.). **Considered**, *Huntley v. Attorney-General for Jamaica* [1995] 2 A.C. 1; [1995] 2 W.L.R. 114, P.C.
- Wolf v. Crutchley [1971] 1 W.L.R. 99; [1971] 1 All E.R. 520, C.A. **Considered**, *Westminster (Duke of) v. Birrane* [1995] Q.B. 262; [1995] 2 W.L.R. 270, C.A.
- Wong Kam-ming v. The Queen [1980] A.C. 247; [1979] 2 W.L.R. 81; [1979] 1 All E.R. 939; 69 Cr.App.R. 47, P.C. **Considered**, *Halawa v. Federation Against Copyright Theft* [1995] 1 Cr.App.R. 21, D.C.
- Wood v. Smith [1993] Ch. 90; [1992] 3 W.L.R. 583; [1992] 3 All E.R. 556, C.A. **Applied**, *Weatherhill v. Pearce* [1995] 1 W.L.R. 592
- Woollerton and Wilson Ltd. v. Richard Costain Ltd. [1970] 1 W.L.R. 411; [1970] 1 All E.R. 483. **Disapproved**, *Jaggard v. Sawyer* [1995] 1 W.L.R. 269, C.A.
- Wordingham v. Royal Exchange Trust Co. Ltd. [1992] Ch. 412; [1992] 2 W.L.R. 496; [1992] 3 All E.R. 204. **Considered**, *In re Segelman, decd.* [1995] 3 All E.R. 676
- Workington Harbour & Dock Board v. Trade Indemnity Co. Ltd. (No. 2) [1938] 2 All E.R. 101, 105. **Dictum of Lord Atkin applied**, *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)

- Wrotham Park Estate Co. Ltd. v. Parkside Homes Ltd. [1974] 1 W.L.R. 798; [1974] 2 All E.R. 321. **Applied**, *Jaggard v. Sawyer* [1995] 1 W.L.R. 269, C.A.
- Wyatt v. Kreglinger and Fernau [1933] 1 K.B. 793, C.A. **Applied**, *Marshall v. N.M. Financial Management Ltd.* [1995] 1 W.L.R. 1461; [1995] I.C.R. 1042
- X. v. Y. [1990] 1 Q.B. 220; [1989] 3 W.L.R. 910; [1989] 3 All E.R. 689. **Not followed**, *Mercedes Benz A.G. v. Leiduck* [1995] 3 W.L.R. 718, P.C.
- X (Minors) (Wardship: Disclosure of Documents), *In re* [1992] Fam. 124; [1992] 2 W.L.R. 784; [1992] 2 All E.R. 595. **Applied**, *Oxfordshire County Council v. P.* [1995] Fam. 161; [1995] 2 W.L.R. 543
- Yeatman, *Ex parte*; *In re* Yeatman (1880) 16 Ch.D. 283, C.A. **Applied**, *In re A Debtor (No. 799 of 1994)*, *Ex parte Cobbs Property Services Ltd.* [1995] 1 W.L.R. 467
- Yuen Kun Yeu v. Attorney-General of Hong Kong [1988] A.C. 175; [1987] 3 W.L.R. 776; [1987] 2 All E.R. 705, P.C. **Applied**, *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- Z. v. Z. (Financial Provision: Overseas Divorce) [1992] 2 F.L.R. 291. **Considered**, *Hewitson v. Hewitson* [1995] Fam. 100; [1995] 2 W.L.R. 287, C.A.
- Zelgar v. Salinitri (Case 129/83) [1984] E.C.R. 2397. **Considered**, *Grupo Torras S.A. v. Sheikh Fahad Mohammed Al-Sabah* [1995] 1 Lloyd's Rep. 374
- Ziems v. Prothonotary of the Supreme Court of New South Wales (1957) 97 C.L.R. 279, 292. **Dicta of Fullagar J. applied**, *R. v. Russell-Jones* [1995] 1 Cr.App.R. 538, C.A.
- Zimmer Orthopaedic Ltd. v. Zimmer Manufacturing Co. [1968] 1 W.L.R. 1349; [1968] 3 All E.R. 449, C.A. **Considered**, *Owen (trading as Max Owen Associates) v. Pugh* [1995] 3 All E.R. 345
-

STATUTES JUDICIALLY CONSIDERED

- 1706 Union with Scotland Act** (6 Anne c. 11)
art. XIX: Reg. v. Comr. of Police of the Metropolis, *Ex parte* Bennett [1995] Q.B. 313; [1995] 2 W.L.R. 598, D.C.
- 1837 Wills Act** (7 Will. 4 & 1 Vict. c. 26)
s. 9 (as substituted): Weatherhill v. Pearce [1995] 1 W.L.R. 592
- 1853 Burial Act** (16 & 17 Vict. c. 134)
s. 3: *In re* St. Michael and All Angels, Tettenhall Regis [1995] Fam. 179; [1995] 3 W.L.R. 299
- 1865 Criminal Procedure Act** (28 & 29 Vict. c. 18)
ss. 4, 5: Reg. v. Derby Magistrates' Court, *Ex parte* B. [1995] 3 W.L.R. 681, H.L.(E.)
- 1883 Explosive Substances Act** (46 & 47 Vict. c. 3)
s. 4: Reg. v. Berry (No. 3) [1995] 1 W.L.R. 7, C.A.
- 1906 Public Trustee Act** (6 Edw. 7, c. 55)
s. 5(1): *In re* Duxbury's Settlement Trusts [1995] 1 W.L.R. 425, C.A.
- 1914 Bankruptcy Act** (4 & 5 Geo. 5, c. 59)
ss. 37, 38(a): *In re* Dennis (A Bankrupt) [1995] 3 W.L.R. 367, C.A.
- 1925 Land Registration Act** (15 Geo. 5, c. 21)
s. 22(1): Brown & Root Technology Ltd. v. Sun Alliance and London Assurance Co. Ltd. [1995] 3 W.L.R. 558
- Law of Property Act** (15 & 16 Geo. 5, c. 20)
s. 26(3): Crawley Borough Council v. Ure [1995] 3 W.L.R. 95, C.A.
s. 53(1)(c): United Bank of Kuwait Plc. v. Sahib [1995] 2 W.L.R. 94
s. 61: Deutsche Genossenschaftsbank v. Burnhope [1995] 1 W.L.R. 1580, H.L.(E.)
s. 109(8): Sargent v. Customs and Excise Comrs. [1995] 1 W.L.R. 821, C.A.
s. 146(2)(4): Escalus Properties Ltd. v. Robinson [1995] 3 W.L.R. 524, C.A.
- 1933 Children and Young Persons Act** (23 & 24 Geo. 5, c. 12)
s. 39(1): *Ex parte* Crook [1995] 1 W.L.R. 139, C.A.
s. 55(5) (as inserted): North Yorkshire County Court v. Selby Youth Court [1995] 1 W.L.R. 1, D.C.
- 1943 Law Reform (Frustrated Contracts) Act** (6 & 7 Geo. 6, c. 40)
s. 1(2): Gamco S.A. v. I.C.M./Fair Warning (Agency) Ltd. [1995] 1 W.L.R. 1226
- 1944 Education Act** (7 & 8 Geo. 6, c. 31)
ss. 8, 33(2), 34(1): X (Minors) v. Bedfordshire County Council [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- 1949 Registered Designs Act** (12, 13 & 14 Geo. 6, c. 88)
ss. 1(1)(b)(ii), 44(1) (as substituted and amended): Reg. v. Registered Designs Appeal Tribunal, *Ex parte* Ford Motor Co. Ltd. [1995] 1 W.L.R. 18, H.L.(E.)
- 1950 Arbitration Act** (14 & 15 Geo. 6, c. 27)
ss. 12(6)(f), 26: Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda. [1995] 1 W.L.R. 299
s. 13A (as inserted): James Lazenby & Co. v. McNicholas Construction Co. Ltd. [1995] 1 W.L.R. 615
- 1954 Landlord and Tenant Act** (2 & 3 Eliz. 2, c. 56)
ss. 23(1)(3), 32(1): Graysim Holdings Ltd. v. P. & O. Property Holdings Ltd. [1995] 3 W.L.R. 854, H.L.(E.)
- 1957 Homicide Act** (5 & 6 Eliz. 2, c. 11)
s. 3: Reg. v. Morhall [1995] 3 W.L.R. 330, H.L.(E.)
- 1961 Carriage by Air Act** (c. 27)
Sch. 1, arts. 22(2)(a), 25: Antwerp United Diamond B.V.B.A. v. Air Europe [1995] 3 W.L.R. 396, C.A.
- Factories Act** (9 & 10 Eliz. 2 c. 34)
s. 65: Gerrard v. Staffordshire Potteries Ltd. [1995] I.C.R. 502, C.A.
- 1967 Leasehold Reform Act** (c. 88)
ss. 1(1), 2(1)(2): Westminster (Duke of) v. Birrane [1995] Q.B. 262; [1995] 2 W.L.R. 270, C.A.
- 1968 Criminal Appeal Act** (c. 19)
ss. 2(1)(c), 34: Reg. v. Young (Stephen) [1995] Q.B. 324; [1995] 2 W.L.R. 430, C.A.
ss. 9(1), 50(1) (as amended): Reg. v. Dalton [1995] Q.B. 243; [1995] 2 W.L.R. 377, C.A.
s. 17: Reg. v. Secretary of State for the Home Department, *Ex parte* Hickey (No. 2) [1995] 1 W.L.R. 734, D.C.
- Firearms Act** (c. 27)
s. 19: Reg. v. Jones (Terence) [1995] Q.B. 235; [1995] 2 W.L.R. 64, C.A.
- Civil Evidence Act** (c. 64)
s. 2(1): *In re* Dominion International Group Plc. [1995] 1 W.L.R. 649
ss. 2(1), 4(1), 11(2)(b): Brinks Ltd. v. Abu-Saleh (No. 2) [1995] 1 W.L.R. 1487
s. 11: Brinks Ltd. v. Abu-Saleh [1995] 1 W.L.R. 1478

- 1969 Children and Young Persons Act** (c. 54)
 ss. 1, 2: *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
 s. 23: *North Yorkshire County Council v. Selby Youth Court* [1995] 1 W.L.R. 1, D.C.
- Employers' Liability (Compulsory Insurance) Act** (c. 57)
 ss. 1(1), 5: *Richardson v. Pitt-Stanley* [1995] Q.B. 123; [1995] 2 W.L.R. 26; [1994] I.C.R. 303, C.A.
- 1970 Administration of Justice Act** (c. 31)
 s. 40(1): *Norweb Plc. v. Dixon* [1995] 1 W.L.R. 636, D.C.
- Equal Pay Act** (c. 41)
 s. 1(3) (as amended): *North Yorkshire County Council v. Ratcliffe* [1995] I.C.R. 833, H.L.(E.)
- 1971 Finance Act** (c. 68)
 s. 44(1): *Melluish v. B.M.I. (No. 3) Ltd.* [1995] 3 W.L.R. 630, H.L.(E.)
- Guardianship of Minors Act** (c. 3)
 s. 11(b): *B. v. B. (Children: Periodical Payments)* [1995] 1 W.L.R. 440
- Immigration Act** (c. 77)
 ss. 3(1), 33(1): *Reg. v. Secretary of State for the Home Department, Ex parte Ku* [1995] Q.B. 364; [1995] 2 W.L.R. 589, C.A.
- 1972 Local Government Act** (c. 70)
 s. 120: *Reg. v. Somerset County Council, Ex parte Fewings* [1995] 1 W.L.R. 1037, C.A.
- 1973 Matrimonial Causes Act** (c. 18)
 s. 24(1)(c): *Brooks v. Brooks* [1995] 3 W.L.R. 141, H.L.(E.)
 s. 25(2)(g) (as substituted): *Whiston v. Whiston* [1995] Fam. 198; [1995] 3 W.L.R. 405, C.A.
 s. 41 (as substituted): *R. v. R. (Residence Order: Child Abduction)* [1995] Fam. 209; [1995] 3 W.L.R. 425
- Powers of Criminal Courts Act** (c. 62)
 ss. 1C(1)(a), 23(1), (as amended): *R. v. Moore (Deborah)* [1995] Q.B. 353; [1995] 2 W.L.R. 728, C.A.
- 1974 Health and Safety at Work etc. Act** (c. 37)
 s. 3(1): *Reg. v. Associated Octel Ltd.* [1995] I.C.R. 281, C.A.
Reg. v. British Steel Plc. [1995] 1 W.L.R. 1356, C.A.
- Juries Act** (c. 23)
 s. 9B (as inserted): *In re Osman* (Practice Note) [1995] 1 W.L.R. 1327
- 1975 Social Security Act** (c. 14)
 s. 165A(3) (as inserted): *Johnson v. Chief Adjudication Officer (Case C-410/92)* [1995] I.C.R. 375, E.C.J.
- Sex Discrimination Act** (c. 65)
 s. 1(1)(a): *Smith v. Safeway Plc.* [1995] I.C.R. 472, E.A.T.
 ss. 1(1)(a), 5(3): *Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2)* [1995] 1 W.L.R. 1454; [1995] I.C.R. 1021, H.L.(E.)
 ss. 1(1)(b), 5(3), 66(3): *London Underground Ltd. v. Edwards* [1995] I.C.R. 574, E.A.T.
 ss. 1(1)(b), 6(1)(b), 77(2), (5): *Meade-Hill v. British Council* [1995] I.C.R. 847, C.A.
 ss. 4(1)(d), 6(2), 41(1): *Waters v. Commissioner of Police of the Metropolis* [1995] I.C.R. 510, E.A.T.
 ss. 6(2)(b), 82(1): *Leighton v. Michael* [1995] I.C.R. 1091, E.A.T.
 s. 85(4): *Howard v. Ministry of Defence* [1995] I.C.R. 1074, E.A.T.
- 1976 Domestic Violence and Matrimonial Proceedings Act** (c. 50)
 s. 2: *McCann v. Wright* [1995] 1 W.L.R. 1556, C.A.
- Restrictive Trade Practices Act** (c. 34)
 s. 9(3): *Associated Dairies Ltd. v. Baines* [1995] I.C.R. 296
 s. 35(1)(3): *In re Supply of Ready Mixed Concrete (No. 2)* [1995] 1 A.C. 456; [1994] 3 W.L.R. 1249; [1995] I.C.R. 25, H.L.(E.)
- Adoption Act** (c. 36)
 ss. 11(1), 72(3): *In re W. (A Minor) (Adoption: Mother Under Disability)* [1995] Fam. 120; [1995] 2 W.L.R. 458
- Race Relations Act** (c. 74)
 ss. 2(1), 4(2), 32(2), 54(1): *Nagarajan v. Agnew* [1995] I.C.R. 520, E.A.T.
 s. 4(1)(c)(2): *The Post Office v. Adekeye* [1995] I.C.R. 540, E.A.T.
 s. 54: *Zaidi v. Financial Intermediaries Managers and Brokers Regulatory Association* [1995] I.C.R. 876, E.A.T.
- 1977 Rent Act** (c. 42)
 s. 137(2): *Keepers and Governors of the Possessions Revenues and Goods of the Free Grammar School of John Lyon v. James* [1995] 3 W.L.R. 908, C.A.
- 1978 Interpretation Act** (c. 30)
 s. 5, Sch. 1: *Starke v. Inland Revenue Comrs.* [1995] 1 W.L.R. 1439, C.A.
 s. 16(1): *B. v. B. (Children: Periodical Payments)* [1995] 1 W.L.R. 440
- State Immunity Act** (c. 33)
 ss. 1, 4: *United Arab Emirates v. Abdelghafar* [1995] I.C.R. 65, E.A.T.
 ss. 12(1), 14(1)(2): *Kuwait Airways Corpn. v. Iraqi Airways Co.* [1995] 1 W.L.R. 1147, H.L.(E.)

1978 Employment Protection (Consolidation) Act (c. 44)

- ss. 23(1)(a) (as amended), 153(1): Associated Newspapers Ltd. v. Wilson [1995] 2 A.C. 454; [1995] 2 W.L.R. 354, H.L.(E.)
- ss. 54, 64(1)(a) (as amended): Leicester University Students' Union v. Mahomed [1995] I.C.R. 270, E.A.T.
- s. 57(3) (as amended): Duffy v. Yeomans & Partners Ltd. [1995] I.C.R. 1, C.A.
- s. 58(1)(a) (as substituted): Discount Tobacco & Confectionery Ltd. v. Armitage (Note) [1995] I.C.R. 431, E.A.T.
- s. 64(1)(a) (as amended): Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T.
Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A.
Sch. 13, para. 1(1) (as substituted): Colley v. Corkindale (trading as Corkers Lounge Bar) [1995] I.C.R. 965, E.A.T.
- ss. 64(1)(b) (as substituted), 67(4): Patel v. Nagesan [1995] I.C.R. 988, C.A.
- s. 67(2): Birmingham Optical Group Plc. v. Johnson [1995] I.C.R. 459, E.A.T.
Drinkwater Sabey Ltd. v. Burnett [1995] I.C.R. 328, E.A.T.
Biggs v. Somerset County Council [1995] I.C.R. 811, E.A.T.
- s. 68(1): Cowley v. Manson Timber Ltd. [1995] I.C.R. 367, C.A.
- ss. 73(7B) (as amended), 9(4) (as amended), 74(6): Charles Robertson (Developments) Ltd. v. White [1995] I.C.R. 349, E.A.T.
- s. 73(9): Boorman v. Allmakes Ltd. [1995] I.C.R. 842, C.A.
- s. 74(1)(6): Derwent Coachworks v. Kirby [1995] I.C.R. 48, E.A.T.
- ss. 82(1), 101: Rankin v. British Coal Corp'n. [1995] I.C.R. 774, E.A.T.
- s. 84(1): Ebac Ltd. v. Wymer [1995] I.C.R. 466, E.A.T.
- ss. 122, 153(1): McMeechan v. Secretary of State for Employment [1995] I.C.R. 444, E.A.T.
- ss. 122 (as amended), 124, Sch. 3, para. 2(1)(b): Clark v. Secretary of State for Employment [1995] I.C.R. 673, E.A.T.

1979 Arbitration Act (c. 42)

- s. 1(7): Vitol S.A. v. Norelf Ltd. [1995] 3 W.L.R. 549, C.A.

Sale of Goods Act (c. 54)

- s. 14(2)(3)(5): Boyter v. Thomson [1995] 2 A.C. 628; [1995] 3 W.L.R. 36, H.L.(Sc.)

1980 Child Care Act (c. 5)

- ss. 1, 2(1), 18: X (Minors) v. Bedfordshire County Council [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)

Limitation Act (c. 58)

- s. 8(1): Aiken v. Stewart Wrightson Members Agency Ltd. [1995] 1 W.L.R. 1281
- ss. 11(1), 38(1): Walkin v. South Manchester Health Authority [1995] 1 W.L.R. 1543, C.A.
- s. 32(1)(b): Sheldon v. R. H. M. Outhwaite (Underwriting Agencies) Ltd. [1995] 2 W.L.R. 570, H.L.(E.)

Magistrates' Courts Act (c. 43)

- s. 97 (as amended): Reg. v. Derby Magistrates' Court, *Ex parte* B. [1995] 3 W.L.R. 681, H.L.(E.)
- s. 115: Percy v. Director of Public Prosecutions [1995] 1 W.L.R. 1382, D.C.

Overseas Development and Co-operation Act (c. 63)

- s. 1(1): Reg. v. Secretary of State for Foreign and Commonwealth Affairs, *Ex parte* World Development Movement Ltd. [1995] 1 W.L.R. 386, D.C.

1981 Animal Health Act (c. 22)

- s. 73(a): Ken Lane Transport Ltd. v. North Yorkshire County Council [1995] 1 W.L.R. 1416, D.C.

Contempt of Court Act (c. 49)

- s. 8: Reg. v. Young (Stephen) [1995] Q.B. 324; [1995] 2 W.L.R. 430, C.A.

Supreme Court Act (c. 54)

- s. 18(1)(f): *In re* R. (A Minor) (Consent Order: Appeal) [1995] 1 W.L.R. 184, C.A.
- s. 29(3): Reg. v. Leeds Crown Court, *Ex parte* Hussain [1995] 1 W.L.R. 1329, D.C.
- s. 31(3): Reg. v. Secretary of State for Foreign and Commonwealth Affairs, *Ex parte* World Development Movement Ltd. [1995] 1 W.L.R. 386, D.C.
- s. 37: Burris v. Azadani [1995] 1 W.L.R. 1372, C.A.
- s. 37(1): Gidrxslme Shipping Co. Ltd. v. Tantomar-Transportes Maritimos Lda. [1995] 1 W.L.R. 299
- s. 38(1)(2): Escalus Properties Ltd. v. Robinson [1995] 3 W.L.R. 524, C.A.
- s. 51: McDonald v. Horn [1995] I.C.R. 685, C.A.
- s. 51(6) (as substituted): Filmlab Systems International Ltd. v. Pennington [1995] 1 W.L.R. 673
- s. 51(6)(7) (as substituted): Reg. v. Horsham District Council, *Ex parte* Wenman [1995] 1 W.L.R. 680
- s. 69(1)(3): Taylor v. Anderton (Police Complaints Authority Intervening) [1995] 1 W.L.R. 447, C.A.
- s. 75(1)(2): Practice Direction (Crown Court: Allocation of Business) [1995] 1 W.L.R. 1083, C.A.

- 1981 Education Act** (c. 60)
ss. 2, 4, 5, 7: *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)
- 1982 Civil Jurisdiction and Judgments Act** (c. 27)
ss. 16(3)(a), 47, Schs. 1, 2, 4: *Kleinwort Benson Ltd. v. Glasgow City Council* (Case C-346/93) [1995] 3 W.L.R. 866, E.C.J.
s. 25 (as amended): *Balkanbank v. Taher* (No. 2) [1995] 1 W.L.R. 1067, C.A.
Sch. 1, art 5(3): *Shevill v. Presse Alliance S.A.* (Case C-68/93) [1995] 2 A.C. 18; [1995] 2 W.L.R. 499, E.C.J.
- Local Government Finance Act** (c. 32)
s. 15: *West Wiltshire District Council v. Garland* (Cond, Third Party) [1995] Ch. 297; [1995] 2 W.L.R. 439, C.A.
- Insurance Companies Act** (c. 50)
s. 49(1): *In re N.R.G. Victory Reinsurance Ltd.* [1995] 1 W.L.R. 239
- 1983 Representation of the People Act** (c. 2)
ss. 128(2), 136(3): *Absalom v. Gillett* [1995] 1 W.L.R. 128, D.C.
- Mental Health Act** (c. 20)
s. 63: *B. v. Croydon Health Authority* [1995] Fam. 133; [1995] 2 W.L.R. 294, C.A.
- Value Added Tax Act** (c. 55)
s. 39(1): *Reg. v. Dealy* [1995] 1 W.L.R. 658, C.A.
- 1984 County Courts Act** (c. 28)
s. 38 (as substituted): *Burris v. Azadani* [1995] 1 W.L.R. 1372, C.A.
s. 53(2): *Hipwood v. Gloucester Health Authority* [1995] I.C.R. 999, C.A.
s. 138(2)(9A)(9B) (as inserted): *Escalus Properties Ltd. v. Robinson* [1995] 3 W.L.R. 524, C.A.
- Inheritance Tax Act** (c. 51)
ss. 115(2), 116 (as renamed): *Starke v. Inland Revenue Comrs.* [1995] 1 W.L.R. 1439, C.A.
- Matrimonial and Family Proceedings Act** (c. 42)
s. 13(1): *Hewitson v. Hewitson* [1995] Fam. 100; [1995] 2 W.L.R. 287, C.A.
- Police and Criminal Evidence Act** (c. 60)
s. 78: *Reg. v. Governor of Belmarsh Prison, Ex parte Francis* [1995] 1 W.L.R. 1121, D.C.
- 1985 Companies Act** (c. 6)
s. 317: *Neptune (Vehicle Washing Equipment) Ltd. v. Fitzgerald* [1995] 3 W.L.R. 108
s. 432(2): *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
- Finance Act** (c. 54)
s. 59, Sch. 17, para. 3: *Melluish v. B.M.I. (No. 3) Ltd.* [1995] 3 W.L.R. 630, H.L.(E.)
- Prosecution of Offences Act** (c. 23)
ss. 22: *Reg. v. Maidstone Crown Court, Ex parte Clark* [1995] 1 W.L.R. 831, D.C.
- Interception of Communications Act** (c. 56)
ss. 1, 9, 10(2): *Reg. v. Governor of Belmarsh Prison, Ex parte Martin* [1995] 1 W.L.R. 412, D.C.
- Child Abduction and Custody Act** (c. 60)
s. 5, Sch. 1, arts. 8, 11: *In re N. (Child Abduction: Jurisdiction)* [1995] Fam. 96; [1995] 2 W.L.R. 233
s. 5, Sch. 1, arts. 3, 13(b): *In re F. (A Minor) (Abduction: Custody Rights Abroad)* [1995] Fam. 224; [1995] 3 W.L.R. 339, C.A.
s. 5, Sch. 1, arts. 7, 16: *R. v. R. (Residence Order: Child Abduction)* [1995] Fam. 209; [1995] 3 W.L.R. 425
- Housing Act** (c. 68)
ss. 58(1), 60(1), 65(2): *Reg. v. Brent London Borough Council, Ex parte Awua* [1995] 3 W.L.R. 215, H.L.(E.)
ss. 65, 75: *Reg. v. Newham London Borough Council, Ex parte Dada* [1995] 3 W.L.R. 540, C.A.
- 1986 Agricultural Holdings Act** (c. 5)
s. 26(2), Sch. 3, Part I, Case E: *Pennell v. Payne* [1995] Q.B. 192; [1995] 2 W.L.R. 261, C.A.
- Insolvency Act** (c. 45)
ss. 11(3)(d), 252(2)(b): *In re A Debtor* (No. 13A–IO–1995) [1995] 1 W.L.R. 1127
ss. 19(5), 44(1)(b): *Powdrill v. Watson* [1995] 2 A.C. 394; [1995] 2 W.L.R. 312; [1995] I.C.R. 1100, H.L.(E.)
s. 124A (as inserted): *In re A Company* (No. 007923 of 1994) [1995] 1 W.L.R. 953, C.A.
s. 127: *In re Barn Crown Ltd.* [1995] 1 W.L.R. 147
s. 266(3): *In re Thulin* [1995] 1 W.L.R. 165
s. 323: *Stein v. Blake* [1995] 2 W.L.R. 710, H.L.(E.)
s. 423: *Barclays Bank Plc. v. Eustice* [1995] 1 W.L.R. 1238, C.A.
Sch. 4, para. 6: *Groveswood Holdings Plc. v. James Capel & Co. Ltd.* [1995] Ch. 80; [1995] 2 W.L.R. 70

1986 Company Directors Disqualification Act (c. 46)

s. 6: *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 839, C.A.

ss. 6(1), 9(1), Sch. 1: *In re Grayan Building Services Ltd.* [1995] Ch. 241; [1995] 3 W.L.R. 1, C.A.

s. 6: *In re Manlon Trading Ltd.* [1995] 3 W.L.R. 271

Family Law Act (c. 55)

s. 46(1): *Berkovits v. Grinberg* (Attorney-General Intervening) [1995] Fam. 142; [1995] 2 W.L.R. 553

Financial Services Act (c. 60)

s. 8(1): *Zaidi v. Financial Intermediaries Managers and Brokers Regulatory Association* [1995] I.C.R. 876, E.A.T.

ss. 179, 187(3): *Melton Medes Ltd. v. Securities and Investments Board* [1995] Ch. 137; [1995] 2 W.L.R. 247

1988 Criminal Justice Act (c. 33)

s. 32A (as inserted): *Reg. v. Hampshire* [1995] 3 W.L.R. 260, C.A.

s. 32A (as inserted): *Reg. v. Rawlings* [1995] 1 W.L.R. 178, C.A.

s. 171(1): *Reg. v. Secretary of State for the Home Department, Ex parte Fire Brigades Union* [1995] 2 A.C. 513; [1995] 2 W.L.R. 1, C.A.; [1995] 2 A.C. 513; [1995] 2 W.L.R. 464, H.L.(E.)

Housing Act (c. 50)

ss. 27, 28: *Sampson v. Wilson* [1995] 3 W.L.R. 455, C.A.

Legal Aid Act (c. 34)

s. 16(6)(8): *Brookes v. Harris* [1995] 1 W.L.R. 918

Road Traffic Act (c. 52)

ss. 1, 2A (as amended): *Reg. v. Woodward (Terence)* [1995] 1 W.L.R. 375, C.A.

s. 5(1): *Director of Public Prosecutions v. Johnson* [1995] 1 W.L.R. 728, D.C.

Water Act (c. 15)

s. 107(1)(a): *Attorney-General's Reference (No. 1 of 1994)* [1995] 1 W.L.R. 599, C.A.

Electricity Act (c. 29)

ss. 16, 22: *Norweb Plc. v. Dixon* [1995] 1 W.L.R. 636, D.C.

1989 Law of Property (Miscellaneous Provisions) Act (c. 34)

s. 2: *Firstpost Homes Ltd. v. Johnson* [1995] 1 W.L.R. 1567, C.A.

United Bank of Kuwait Plc. v. Sahib [1995] 2 W.L.R. 94

Commission for the New Towns v. Cooper (Great Britain) Ltd. [1995] Ch. 259; [1995] 2 W.L.R. 677, C.A.

Employment Act (c. 38)

s. 16(1): *Rankin v. British Coal Corpn.* [1995] I.C.R. 774, E.A.T.

Children Act (c. 41)

ss. 1(1), 25: *In re M. (A Minor) (Secure Accommodation Order)* [1995] Fam. 108; [1995] 2 W.L.R. 302, C.A.

s. 3(1): *North Yorkshire County Council v. Selby Youth Court* [1995] 1 W.L.R. 1, D.C.

ss. 8(2)(3), 9(2), 10(1): *In re C. (Minors) (Contact: Jurisdiction)* [1995] 3 W.L.R. 30, C.A.

ss. 8, 9(5)(a): *In re H. (A Minors) (Prohibited Steps Order)* [1995] 1 W.L.R. 667, C.A.

s. 10(9): *In re T. (Minors) (Adopted Children: Contact)* [1995] 3 W.L.R. 793, C.A.

ss. 17, 31: *X (Minors) v. Bedfordshire County Council* [1995] 2 A.C. 633; [1995] 3 W.L.R. 152, H.L.(E.)

s. 25(4): *In re B. (A Minor) (Secure Accommodation Order)* [1995] 1 W.L.R. 232, C.A.

ss. 31(2)(5)(b), 35, Sch. 3, para. 6: *In re A. (A Minor) (Supervision Order: Extension)* [1995] 1 W.L.R. 482, C.A.

s. 98: *Cleveland County Council v. F.* [1995] 1 W.L.R. 785

1990 Town and Country Planning Act (c. 8)

ss. 70(2), 106 (as substituted): *Tesco Stores Ltd. v. Secretary of State for the Environment* [1995] 1 W.L.R. 759, H.L.(E.)

Broadcasting Act (c. 42)

s. 92(2)(a)(i): *Reg. v. Radio Authority, Ex parte Bull* [1995] 3 W.L.R. 572, D.C.

Sch. 2, Part I, para. 1(3)(b): *Reg. v. Radio Authority, Ex parte Guardian Media Group Plc.* [1995] 1 W.L.R. 334

1991 Child Support Act (c. 48)

ss. 1(3), 31(2), 33(2): *Department of Social Security v. Butler* [1995] 1 W.L.R. 1528, C.A.

Criminal Justice Act (c. 53)

s. 8(2)(3)(c): *Reg. v. Moore (Deborah)* [1995] Q.B. 353; [1995] 2 W.L.R. 728, C.A.

s. 34: *Reg. v. Dalton* [1995] Q.B. 243; [1995] 2 W.L.R. 377, C.A.

s. 52: *Reg. v. Hampshire* [1995] 3 W.L.R. 260, C.A.

1992 Social Security Administration Act (c. 5)

ss. 82(1), 98(1)(b): *Hassall v. Secretary of State for Social Security* [1995] 1 W.L.R. 812, C.A.

Trade Union and Labour Relations (Consolidation) Act (c. 52)

s. 100B (as substituted): *National Union of Mineworkers (Yorkshire Area) v. Millward* [1995] I.C.R. 482, E.A.T.

s. 137(1): *Harrison v. Kent County Council* [1995] I.C.R. 434, E.A.T.

1994 Criminal Justice and Public Order Act (c. 33)

s. 32(1)(4): *Reg. v. Makanjuola* [1995] 1 W.L.R. 1348, C.A.

s. 35: Practice Direction (Crown Court: Defendant's Evidence) [1995] 1 W.L.R. 657
Reg. v. Cowan [1995] 3 W.L.R. 818, C.A.

Law of Property (Miscellaneous Provisions) Act (c. 36)

s. 14: Practice Direction (Probate: Notice to Quit) [1995] 1 W.L.R. 1120

STATUTORY INSTRUMENTS, ETC., JUDICIALLY CONSIDERED

R.S.C.

- Ord. 3, r. 5: *Savill v. Southend Health Authority* [1995] 1 W.L.R. 1254, C.A.
 Ord. 10, r. 1(2): *Forward v. West Sussex County Council* [1995] 1 W.L.R. 1469, C.A.
 Ord. 14, r. 3(1): *Trafalgar House Construction (Regions) Ltd. v. General Surety & Guarantee Co. Ltd.* [1995] 3 W.L.R. 204, H.L.(E.)
 Ord. 18, r. 7: *Practice Direction (Civil Litigation: Case Management)* [1995] 1 W.L.R. 262; [1995] 1 W.L.R. 508
 Ord. 23, r. 1(1)(a): *In re Little Olympian Each Ways Ltd.* [1995] 1 W.L.R. 560
 Ord. 24, r. 2(5): *Baldock v. Addison* [1995] 1 W.L.R. 158
 Ord. 24, rr. 3, 8: *Reg. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd.* [1995] 1 W.L.R. 386, D.C.
 Ord. 24, r. 13: *Taylor v. Anderton (Police Complaints Authority Intervening)* [1995] 1 W.L.R. 447, C.A.
 Ord. 28, r. 7: *Balkanbank v. Taher (No. 2)* [1995] 1 W.L.R. 1067, C.A.
 Ord. 33, rr. 3, 4(2): *Deeny v. Gooda Walker Ltd.* [1995] 1 W.L.R. 1206
 Ord. 34, r. 10(2): *Practice Direction (Civil Litigation: Case Management)* [1995] 1 W.L.R. 262; [1995] 1 W.L.R. 508
 Ord. 38, r. 2(3): *In re Dominion International Group Plc.* [1995] 1 W.L.R. 649
 Ord. 38, r. 14(1), App. A: *Khanna v. Lovell White Durrant* [1995] 1 W.L.R. 121
 Ord. 41: *Practice Direction (Evidence: Documents)* [1995] 1 W.L.R. 510
 Ord. 41, r. 5(2): *Deutsche Rückversicherung A.G. v. Walbrook Insurance Co. Ltd.* [1995] 1 W.L.R. 1017
 Ord. 53, r. 3(7): *Reg. v. Secretary of State for Foreign and Commonwealth Affairs, Ex parte World Development Movement Ltd.* [1995] 1 W.L.R. 386, D.C.
 Ord. 59, rr. 4, 19: *Practice Direction (Insolvency Appeals: Individuals)* [1995] 1 W.L.R. 1323
 Ord. 62, r. 6(2): *McDonald v. Horn* [1995] I.C.R. 685, C.A.
 Ord. 63, r. 10: *Practice Direction (Child: Change of Surname)* [1995] 1 W.L.R. 375
 Ord. 65, r. 3(1): *Kuwait Airways Corp. v. Iraqi Airways Co.* [1995] 1 W.L.R. 1147, H.L.(E.)
 Ord. 65, r. 5: *Practice Direction (Hansard: Citation)* [1995] 1 W.L.R. 192

Adoption Rules 1984 (S.I. 1984 No. 265)

- r. 53(2): *In re D. (Minors) (Adoption Reports: Confidentiality)* [1995] 1 W.L.R. 356, C.A.; [1995] 3 W.L.R. 483, H.L.(E.)

Bahamas Independence Order 1973 (S.I. 1973 No. 1080)

- Sch., arts. 15, 16(1), 17, 28(1)(2)(a): *Jones v. Attorney-General of the Commonwealth of the Bahamas* [1995] 1 W.L.R. 891, P.C.
 Sch., arts. 15(a), 20(7), 21: *Bethel v. Douglas* [1995] 1 W.L.R. 794, P.C.
 Sch., arts. 17(1), 28(1), 92(1): *Reckley v. Minister of Public Safety and Immigration* [1995] 2 A.C. 491; [1995] 3 W.L.R. 390, P.C.

Broadcasting (Restrictions on the Holding of Licences) Order 1991 (S.I. 1991 No. 1176)

- arts. 11(5), 12(4): *Reg. v. Radio Authority, Ex parte Guardian Media Group Plc.* [1995] 1 W.L.R. 334

County Court Rules 1981 (S.I. 1981 No. 1687 (L. 20))

- Ord. 9, r. 10: *Heer v. Tutton* [1995] 1 W.L.R. 1336, C.A.
 Webster v. Ellison Circlips Group Ltd. [1995] 1 W.L.R. 1447, C.A.
 Ord. 13, r. 1(8): *Eurocross Sales Ltd. v. Cornhill Insurance Plc.* [1995] 1 W.L.R. 1517, C.A.
 r. 6(2); Ord. 19; Ord. 50, r. 2 (as amended): *Joyce v. Liverpool City Council* [1995] 3 W.L.R. 439, C.A.

Drug Trafficking Offences Act 1986 (Designated Countries and Territories) Order 1990 (S.I. 1990 No. 1199)

- Sch. 3, ss. 1, 7, 8: *In re S.-L. (Restraint Order: External Confiscation Order)* [1995] 3 W.L.R. 830, C.A.

Employment Appeal Tribunal Rules 1993 (S.I. 1993 No. 2854)

- r. 37: *United Arab Emirates v. Abdelghafar* [1995] I.C.R. 65, E.A.T.
 r. 37(1): *Setiya v. East Yorkshire Health Authority* [1995] I.C.R. 799, E.A.T.

Faculty Jurisdiction Rules 1992 (S.I. 1992 No. 2882)

- r. 25: *In re St. John's with Holy Trinity, Deptford* [1995] 1 W.L.R. 721

Family Proceedings Rules 1991 (S.I. 1991 No. 1247 (L. 20))

- r. 4.10(9): *Oxfordshire County Council v. P.* [1995] Fam. 161; [1995] 2 W.L.R. 543

Financial Services (Compensation of Investors) Rules 1990

- r. 2.04: *Reg. v. Investors Compensation Board, Ex parte Bowden* [1995] 3 W.L.R. 289, H.L.(E.)

House of Lords (Directions as to Procedure applicable to Civil Appeals)

- dirs. 1, 2, 3, 4, 10: *Practice Direction (House of Lords: Amendments to Procedure)* [1995] 1 W.L.R. 422, H.L.

House of Lords (Directions as to Procedure applicable to Criminal Appeals)

dirs. 1, 2, 5, 12: Practice Direction (House of Lords: Amendments to Procedure) [1995] 1 W.L.R. 422, H.L.

House of Lords (Directions for Taxation of Bills of Costs)

dir. 20(a): Practice Direction (House of Lords: Amendments to Procedure) (No. 2) [1995] 1 W.L.R. 1145, H.L.

House of Lords (Practice Directions applicable to Civil Appeals)

dirs. 10.2, 20.3, 37: Practice Direction (House of Lords: Amendments to Procedure) (No. 2) [1995] 1 W.L.R. 1145, H.L.

Immigration Rules (Statement of Changes in) (1990) (H.C. 251)

paras. 161, 164, 167: Reg. v. Secretary of State for the Home Department, *Ex parte* Chahal [1995] 1 W.L.R. 526, C.A.

Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993 (S.I. 1993 No. 2687)

Sch. 1, r. 17(2): Drinkwater Sabey Ltd. v. Burnett [1995] I.C.R. 328, E.A.T.

Industrial Tribunals (Rules of Procedure) Regulations 1985 (S.I. 1985 No. 16)

Sch. 1, rr. 3, 13(1): Charlton v. Charlton Thermosystems (Romsey) Ltd. [1995] I.C.R. 56, E.A.T.

Sch. 1, r. 3(1): London Branch of the Nigerian Universities Commission v. Bastians [1995] I.C.R. 358, E.A.T.

Insolvency Rules 1986 (S.I. 1986 No. 1925)

r. 4.11(1): *In re* A Company (No. 007923 of 1994) [1995] 1 W.L.R. 953, C.A.

rr. 5.17, 5.18: *In re* Bradley-Hole (A Bankrupt) [1995] 1 W.L.R. 1097

rr. 6.5, 6.25(1): Eberhardt & Co. Ltd. v. Mair [1995] 1 W.L.R. 1180

rr. 7.48(2), 7.49: Practice Direction (Insolvency Appeals: Individuals) [1995] 1 W.L.R. 1323

Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987 (S.I. 1987 No. 2023)

rr. 2, 3, 6: *In re* Dominion International Group Plc. [1995] 1 W.L.R. 649

Jamaica (Constitution) Order in Council 1962 (S.I. 1962 No. 1550)

Sch. 2, s. 20(6)(7): Huntley v. Attorney-General for Jamaica [1995] 2 A.C. 1; [1995] 2 W.L.R. 114, P.C.

Legal Aid (General) Regulations 1989 (S.I. 1989 No. 339)

reg. 95(2): Brookes v. Harris [1995] 1 W.L.R. 918

Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 (S.I. 1989 No. 344)

reg. 44(7): Reg. v. Highbury Corner Magistrates' Court, *Ex parte* Sonn & Co. [1995] 1 W.L.R. 1365, D.C.

reg. 48(14) (as substituted): Practice Direction (Crown Court: Counsel) [1995] 1 W.L.R. 261

National Health Service (Service Committees and Tribunal) Regulations 1974 (S.I. 1974 No. 455)

regs. 4(1), 11(1)(1A), 12 (as amended): Reg. v. Northern and Yorkshire Regional Health Authority, *Ex parte* Trivedi [1995] 1 W.L.R. 961

Prosecution of Offences (Custody Time Limits) Regulations 1987 (S.I. 1987 No. 299)

reg. 5: Maidstone Crown Court, *Ex parte* Clark [1995] 1 W.L.R. 831, D.C.

Protection of Eyes Regulations 1974 (S.I. 1974 No. 1681)

reg. 5, Sch. 1, Pt. III, para. 27: Gerrard v. Staffordshire Potteries Ltd. [1995] I.C.R. 502, C.A.

Queen's Regulations for the Royal Navy 1967

art. 1810: Barrett v. Ministry of Defence [1995] 1 W.L.R. 1217, C.A.

Supreme Court (Special Jurisdiction) Rules 1976 (S.I. 1976 No. 49)

rr. 2, 3(c): Bethel v. Douglas [1995] 1 W.L.R. 794, P.C.

Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981 No. 1794)

regs. 2(1), 3: Dines v. Initial Healthcare Services Ltd. [1995] I.C.R. 11, C.A.

reg. 3: Charlton v. Charlton Thermosystems (Romsey) Ltd. [1995] I.C.R. 56, E.A.T.

reg. 3(1): Kelman v. Care Contract Services Ltd. [1995] I.C.R. 260, E.A.T.

regs. 3(1)(5), 8(1): Council of the Isles of Scilly v. Brintel Helicopters Ltd. [1995] I.C.R. 249, E.A.T.

regs. 5(2), 8(1): Allan v. Stirling District Council [1995] I.C.R. 1082, Ct. of Sess.

reg. 8(1): Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T.

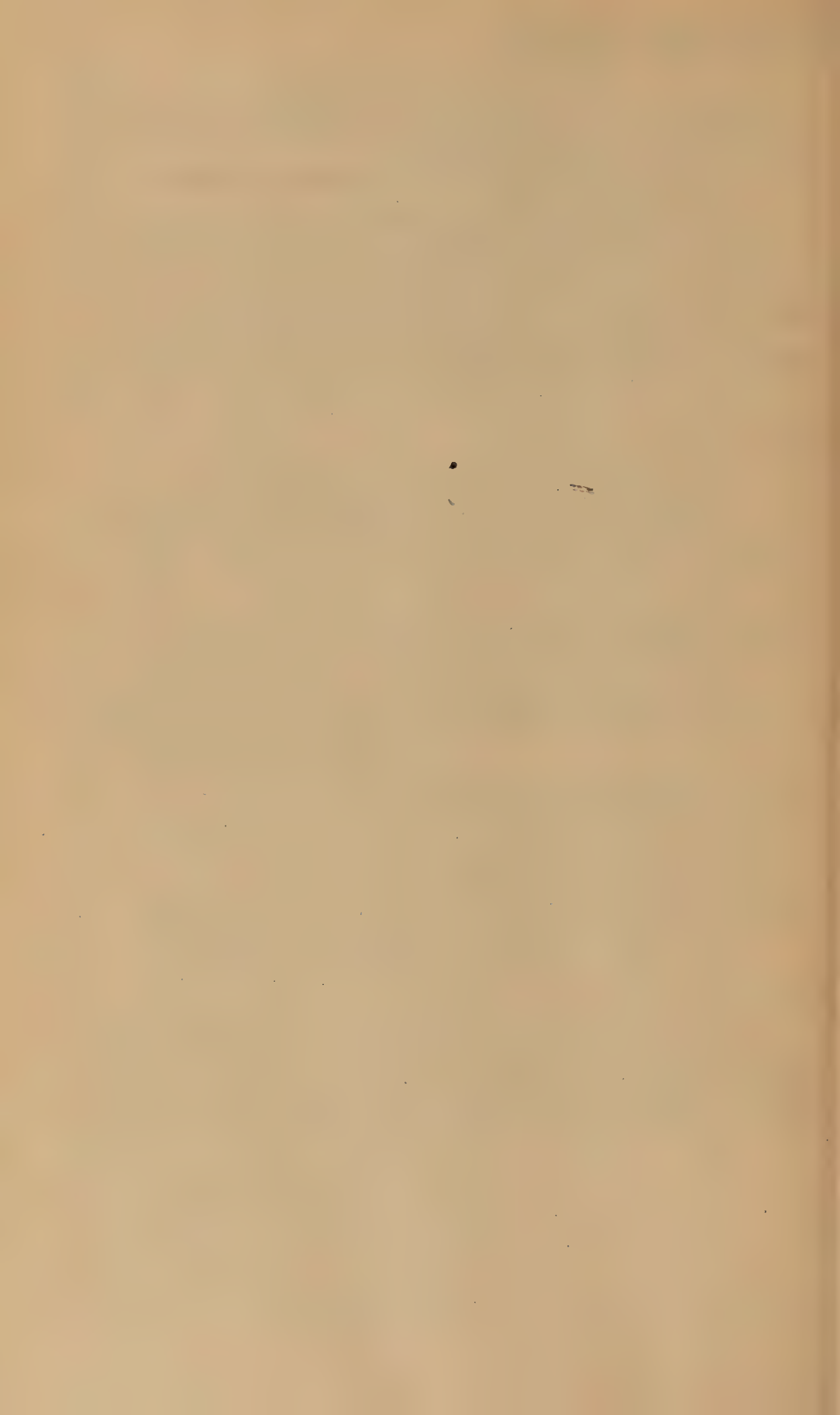
regs. 10(2), 11(1)(8): South Durham Health Authority v. Unison [1995] I.C.R. 495, E.A.T.

Value Added Tax (General) Regulations 1985 (S.I. 1985 No. 886)

reg. 11(1)(3) (as amended): Sargent v. Customs and Excise Comrs. [1995] 1 W.L.R. 821, C.A.

Welfare of Animals during Transport Order 1992 (S.I. 1992 No. 3304)

art. 4(1)(b): Ken Lane Transport Ltd. v. North Yorkshire County Council [1995] 1 W.L.R. 1416, D.C.



EUROPEAN COMMUNITY ENACTMENTS JUDICIALLY CONSIDERED

Council Directive (76/207/E.E.C.) (Equal Treatment Directive)

arts. 2(1), 5: Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A.

arts. 2(1), 5(1): Webb v. Emo Air Cargo (U.K.) Ltd. (No. 2) [1995] 1 W.L.R. 1454; [1995] I.C.R. 1021, H.L.(E.)

Council Directive (77/187/E.E.C.)

art. 1(1): Dines v. Initial Healthcare Ltd. [1995] I.C.R. 11, C.A.

Council of the Isles of Scilly v. Brintel Helicopters Ltd. [1995] I.C.R. 249, E.A.T.

Kelman v. Care Contract Services Ltd. [1995] I.C.R. 260, E.A.T.

arts. 1, 3: National Union of Teachers v. Governing Body of St. Mary's Church of England (Aided) Junior School [1995] I.C.R. 317, E.A.T.

art. 4(1): Milligan v. Securicor Cleaning Ltd. [1995] I.C.R. 867, E.A.T.

Council Directive (79/7/E.E.C.)

art. 8(1): Johnson v. Chief Adjudication Officer (Case C-410/92) [1995] I.C.R. 375, E.C.J.

Council Directive (80/987/E.E.C.)

art. 5: Francovich v. Italian Republic (Case C-6/90) [1995] I.C.R. 722, E.C.J.

Council Directive (86/378/E.E.C.)

art. 8: Moroni v. Collo G.m.b.H. [1995] I.C.R. 137, E.C.J.

Council Directive (91/628/E.E.C.)

art. 2: Ken Lane Transport Ltd. v. North Yorkshire County Council [1995] 1 W.L.R. 1416, D.C.

E.C. Treaty

arts. 34, 36: Reg. v. Chief Constable of Sussex, *Ex parte* International Trader's Ferry Ltd. [1995] 3 W.L.R. 802, D.C.

E.E.C. Treaty (Cmnd. 5179-II)

art. 48: Finanzamt Köln-Altstadt v. Schumacker (Case C-279/93) [1995] 3 W.L.R. 498, E.C.J.

art. 85(1): Viho Europe B.V. v. Commission of the European Communities (Case T-102/92) [1995] I.C.R. 1050

art. 119: Ten oever v. Stichting Bedrijfspensioenfonds voor het Glazenwassers- en Schoonmaakbedrijf (Case C-109/91) [1995] I.C.R. 74, E.C.J.

Moroni v. Collo (Case C-110/91) [1995] I.C.R. 137, E.C.J.

Neath v. Hugh Steeper Ltd. (Case C-152/91) [1995] I.C.R. 158, E.C.J.

Coloroll Pension Trustees Ltd. v. Russell (Case C-200/91) [1995] I.C.R. 179, E.C.J.

Smith v. Avdel Systems Ltd. (Case C-408/92) [1995] I.C.R. 596, E.C.J.

Vroege v. NCIV Instituut voor Volkshuisvesting B.V. (Case C-57/93) [1995] I.C.R. 635, E.C.J.

Clark v. Secretary of State for Employment [1995] I.C.R. 673, E.A.T.

Rankin v. British Coal Corpn. [1995] I.C.R. 774, E.A.T.

Methilhill Bowling Club v. Hunter [1995] I.C.R. 793, E.A.T.

Biggs v. Somerset County Council [1995] I.C.R. 811, E.A.T.

Reg. v. Secretary of State for Employment, *Ex parte* Seymour-Smith [1995] I.C.R. 889, C.A.

Colley v. Corkindale (trading as Corkers Lounge Bar) [1995] I.C.R. 965, E.A.T.

Howard v. Ministry of Defence [1995] I.C.R. 1074, E.A.T.

art. 189: Francovich v. Italian Republic (Case C-6/90) [1995] I.C.R. 722, E.C.J.

Protocol No. 2 annexed to Treaty on European Union (O.J. 1992 No. C. 224, p. 104)

Vroege v. NCIV Instituut voor Volkshuisvesting B.V. (Case C-57/93) [1995] I.C.R. 635, E.C.J.

OVERSEAS ENACTMENTS JUDICIALLY CONSIDERED

BAHAMAS, THE

- Capital Punishment Procedure Act** (Statute Law of the Bahamas, 1987 rev., c. 87)
ss. 2, 3, 4, 5: Jones v. Attorney-General of the Commonwealth of the Bahamas [1995] 1 W.L.R. 891, P.C.
- Commissions of Inquiry Act 1911** (Statute Law of the Bahamas, 1987 rev., c. 172)
ss. 2, 10(1)(a)(b), 11(2): Bethel v. Douglas [1995] 1 W.L.R. 794, P.C.
- Criminal Procedure Code** (Statute Law of the Bahamas, 1987 rev., c. 84)
s. 3: Bethel v. Douglas [1995] 1 W.L.R. 794, P.C.
- Declaratory Act** (Statute Law of the Bahamas, 1987 rev., c. 4)
s. 2: Jones v. Attorney-General of the Commonwealth of the Bahamas [1995] 1 W.L.R. 891, P.C.
- Evidence Act** (Statute Law of the Bahamas, 1987 rev., c. 52)
s. 131: Bethel v. Douglas [1995] 1 W.L.R. 794, P.C.
- Offences against the Person Act 1865** (Statute Law of the Bahamas, 28 Vict. c. 3)
ss. I, II: Jones v. Attorney-General of the Commonwealth of the Bahamas [1995] 1 W.L.R. 891, P.C.
- Penal Code** (Statute Law of the Bahamas, 1987 rev., c. 77)
ss. 10(6), 312: Jones v. Attorney-General of the Commonwealth of the Bahamas [1995] 1 W.L.R. 891, P.C.
- Supreme Court Act** (Statute Law of the Bahamas, 1987 rev., c. 35)
s. 29(3): Bethel v. Douglas [1995] 1 W.L.R. 794, P.C.

BARBADOS

- Administrative Justice Act** (Laws of Barbados, 1985 rev., c. 1098)
ss. 2, 3(1), 4, 5(2): Williams (C.O.) Construction Ltd. v. Blackman [1995] 1 W.L.R. 102, P.C.
- Constitution of Barbados** (Laws of Barbados, 1978 rev.)
s. 15: Bradshaw v. Attorney-General of Barbados [1995] 1 W.L.R. 936, P.C.
- s. 64: Williams (C.O.) Construction Ltd. v. Blackman [1995] 1 W.L.R. 102, P.C.
- Financial Administration and Audit Act** (Laws of Barbados, 1991 rev., c. 5)
s. 39(1): Williams (C.O.) Construction Ltd. v. Blackman [1995] 1 W.L.R. 102, P.C.
- Financial Administration and Audit (Financial) Rules 1971** (Laws of Barbados, 1988 rev., c. 5)
r. 148: Williams (C.O.) Construction Ltd. v. Blackman [1995] 1 W.L.R. 102, P.C.

BRUNEI DARASSALAM

- Criminal Procedure Code** (Laws of Brunei, 1984 rev., c. 7)
s. 117(1)(2): Burut v. Public Prosecutor [1995] 2 A.C. 579; [1995] 3 W.L.R. 16, P.C.
- Public Order Act** (Laws of Brunei, 1984 rev., c. 148)
s. 28(1): Burut v. Public Prosecutor [1995] 2 A.C. 579; [1995] 3 W.L.R. 16, P.C.

HONG KONG

- Bill of Rights Ordinance 1991** (Laws of Hong Kong, c. 383)
s. 8, art. 12(1): Chan Chi-hung v. The Queen [1995] 3 W.L.R. 742, P.C.
- Crimes (Amendment) Ordinance** (No. 49 of 1992)
ss. 75(1)(2), 76(1)(2): Chan Chi-hung v. The Queen [1995] 3 W.L.R. 742, P.C.
- Crimes Ordinance** (Laws of Hong Kong, 1984 rev., c. 200)
ss. 76(2), 76A(1): Chan Chi-hung v. The Queen [1995] 3 W.L.R. 742, P.C.
- Crown Lands Resumption Ordinance** (Laws of Hong Kong, 1991 rev., c. 124)
ss. 10(1)(2)(a)(d), 17(3)(3A): Director of Buildings and Lands v. Shun Fung Ironworks Ltd. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.
- R.S.C.**
Ord. 22, rr. 1(1), 14; Ord. 62, r. 5: Director of Buildings and Lands v. Shun Fung Ironworks Ltd. [1995] 2 A.C. 111; [1995] 2 W.L.R. 404, P.C.

JAMAICA

- Judicature (Appellate Jurisdiction) Act**
s. 14(1): Loban v. The Queen [1995] 1 W.L.R. 877, P.C.
- Offences against the Person (Amendment) Act 1992** (No. 14 of 1992)
s. 7(2)(4): Huntley v. Attorney-General for Jamaica [1995] 2 A.C. 1; [1995] 2 W.L.R. 114, P.C.

NEW ZEALAND

- Crimes Act 1961** (No. 43 of 1961)
s. 257: Adams v. The Queen [1995] 1 W.L.R. 52, P.C.
- Income Tax Act 1976** (No. 65 of 1976)
ss. 65(2)(a), 101, 104: Comr. of Inland Revenue v. Mitsubishi Motors New Zealand Ltd. [1995] 3 W.L.R. 671, P.C.

NEW ZEALAND—*continued*

Property Law Act 1952 (No. 51 of 1952)

s. 78, Sch. 4, cls. (2), (13): Colonial Mutual General Insurance Co. Ltd. v. ANZ Banking Group (New Zealand) Ltd. [1995] 1 W.L.R. 1140, P.C.

Securities Amendment Act 1988 (No. 234 of 1988)

ss. 20(3)(4)(e), 35: Meridian Global Funds Management Asia Ltd. v. Securities Commission [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, P.C.

R.S.C.

Ord. 11, r. 1(1)(b)(m): Mercedes Benz A.G. v. Leiduck [1995] 3 W.L.R. 718, P.C.

ST. VINCENT AND THE GRENADINES

Aliens (Land-Holding Regulation) Act (Laws of St. Vincent and the Grenadines, 1996 rev., Title XI, c. 1)

ss. 3, 4(2), 5, 16: Ho Young v. Bess [1995] 1 W.L.R. 350, P.C.

Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act (c. 18)

s. 48(1)(2): Pollard v. The Queen [1995] 1 W.L.R. 1591, P.C.

West Indies Associated States Court of Appeal Rules 1968 (Saint Vincent S.R. & O., No. 23 of 1968)

rr. 11, 44(1): Pollard v. The Queen [1995] 1 W.L.R. 1591, P.C.

TRINIDAD AND TOBAGO

Constitution of the Republic of Trinidad and Tobago Act 1976 (No. 4 of 1976)

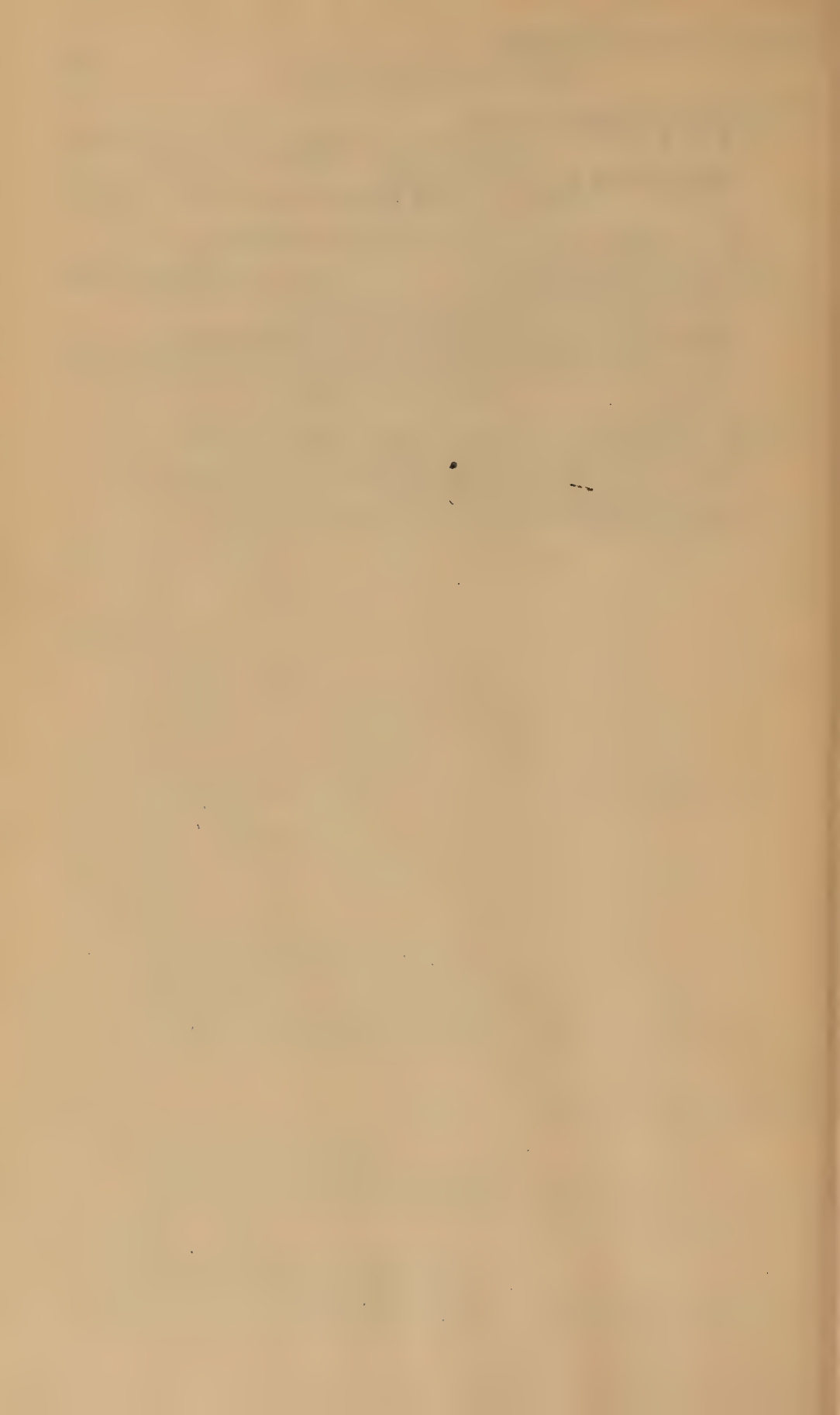
Sch., ss. 4(a), 5(2)(b)(h): Guerra v. Baptiste [1995] 3 W.L.R. 891, P.C.

Criminal Procedure Act (Laws of Trinidad and Tobago, 1980 ed., c. 12:02)

s. 57: Guerra v. Baptiste [1995] 3 W.L.R. 891, P.C.

Supreme Court of Judicature Act (Laws of Trinidad and Tobago, 1980 ed., c. 4:01)

s. 44(1): Sankar v. State of Trinidad and Tobago [1995] 1 W.L.R. 194, P.C.



INTERNATIONAL CONVENTIONS JUDICIALLY CONSIDERED

Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty (1951) (Cmd. 9363)
Littrell v. United States of America (No. 2) [1995] 1 W.L.R. 82, C.A.

Convention and Protocol relating to Status of Refugees (1951) (Cmd. 9171) and (1967) (Cmd. 3906)
arts. 1F, 33: *T. v. Secretary of State for the Home Department* [1995] 1 W.L.R. 545, C.A.
art. 33: *Reg. v. Secretary of State for the Home Department, Ex parte Chahal* [1995] 1 W.L.R.
526, C.A.

Convention for the Protection of Human Rights and Fundamental Freedoms (1953) (Cmd. 8969)
art. 8: *Reg. v. Mid Glamorgan Family Health Services Authority, Ex parte Martin* [1995]
1 W.L.R. 110, C.A.

Convention on the Civil Aspects of International Child Abduction *see* Child Abduction and Custody Act
1985



Printed in Great Britain by The Eastern Press Ltd., Reading and published by The Incorporated Council of Law Reporting for England and Wales (a Registered Charity) at 3 Stone Buildings, Lincoln's Inn, London, WC2A 3XN.

Tel.: 0171-242 6471. Editorial: 0171-831 6664

© 1995. THE INCORPORATED COUNCIL OF LAW REPORTING FOR ENGLAND AND WALES

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature.